



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, May 12, 2008

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 4:30 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

**Council President Ed Truax
Councilor Chris Barhyte
Councilor Monique Beikman**

**Councilor Bob Boryska
Councilor Jay Harris
Councilor Donna Maddux**

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 8380 SW Nyberg Street, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011 (voice) or 503.692.0574 (TDD). Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised “live” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

Your City government welcomes your interest and hopes you will attend the City of Tualatin City Council meetings often.

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A “legislative” public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, deny, or “continue” the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A “quasi-judicial” public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, approve with conditions or deny the application, or “continue” the public hearing.

TIME LIMITS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 10 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Page #

1. Tualatin Youth Advisory Council Update
2. Tualatin Science and Technology Scholarship Awards Presentation
3. Proclamation Designating the Week of May 18 – 24, 2008 Emergency Medical Services Week..5
4. Proclamation Proclaiming May 18 – 24, 2008 Public Works Week.....6
5. Proclamation Declaring May 12 – 16, 2008 National Police Week7

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item Nos. 1 – 3)

Page #

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and the Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Resolution No. 4785-08 Authorizing Acceptance of a Sewer Line Easement at..... 8
9685 SW Killarney Lane in Association with the SW
Killarney Lane Sewer and Water Project
2. Resolution No. 4786-08 Allowing Willowbrook Arts Program Special Event Parking.....15
on SW Nyberg Lane During Summer 2008
3. Resolution No. 4787-08 Awarding Bid for Aquifer Storage and Recovery Pump.....19
House Improvements

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Annexation of Property at 8930 SW Norwood Road (2S1 35D 107) (ANN-08-01).....22

G. GENERAL BUSINESS (Item No. 1)

1. Ordinance No. 1260-08 Creating Architectural Review Standards for Detached50
Single-Family Dwellings; Amending TDC 31.063, 31.071,
33.010, 40.140, 41-130, 73.040, 73.170, 73.180, and
73.190 (PTA-06-05)

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT

CITY COUNCIL MEETING SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE: May 12, 2008

PLEASE LIMIT TESTIMONY TO THREE MINUTES

| PLEASE PRINT CLEARLY | | | | | |
|------------------------|---------------------|---------------------------------|-------------------|-----------------------------|----------------------------|
| NAME | ADDRESS | REPRESENTING (if applicable) | AGENDA ITEM(S) | PROPOSER (if applicable) | OPPOSER (if applicable) |
| Jim Butler | 8700 SW Seminole | Seminole Neighborhood | | | |
| Tim Owens | 8490 SW Seminole | Neighborhood | | | |
| RaTie Bailey | 8100 Seminole (and | Seminole Neighborhood | | | |
| Eric Bailey | | Seminole Neighborhood | | | |
| Cindy Green | | Seminole Neighborhood | | | |
| Eric Bailey | | Seminole Neighborhood | | | |
| CASEY VAUER | HUSBORO | METRO WEST AMBULANCE | | | |
| Barb Wells | 8465 SW Modoc Ct | Seminole Trail | | | |
| Ray & her husband | 8555 SW Seminole Tr | | | | |

PROCLAMATION

PROCLAMATION DESIGNATING THE WEEK OF MAY 18 – 24, 2008 AS
"EMERGENCY MEDICAL SERVICES WEEK" IN THE CITY OF TUALATIN

WHEREAS emergency medical services is a vital public service; and

WHEREAS the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS emergency medical teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS the members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS Americans benefit daily from the knowledge and skills of these highly-trained individuals; and

WHEREAS it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating *Emergency Medical Services Week*; and

WHEREAS injury prevention and the appropriate use of the EMS system will reduce national health care costs.

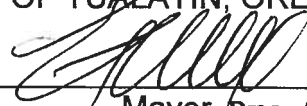
BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

The week of May 18 – 24, 2008 is hereby proclaimed *Emergency Medical Services Week* and everyone in the community is encouraged to observe this week with appropriate programs, ceremonies, and activities.

INTRODUCED AND ADOPTED this 12th day of May, 2008.

CITY OF TUALATIN, OREGON

BY



Mayor Pro Tem

ATTEST:

BY



City Recorder

PROCLAMATION

PROCLAIMING THE WEEK OF MAY 18 – 24, 2008 AS
"PUBLIC WORKS WEEK" IN THE CITY OF TUALATIN

WHEREAS public works services in our community are an integral part of our citizens' everyday lives; and

WHEREAS the support of an understanding and informed citizenry is vital to the efficient operation and construction of public works systems such as water, sewer, streets, parks, and drainage; and programs such as building maintenance, park maintenance, emergency management, and solid waste management; and

WHEREAS the health, safety, and comfort of this community greatly depends on design, construction, and maintenance of these facilities and services; and

WHEREAS the quality and effectiveness of these facilities, as well as their planning, design, construction and maintenance is vitally dependent upon the efforts and skill of public works employees and officials; and

WHEREAS the efficiency of the qualified and dedicated personnel who provide public works are materially influenced by the people's attitude and understanding of the importance of the work they perform.

BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

Section 1. May 18 – 24, 2008 is proclaimed as *Public Works Week* in the City of Tualatin.

Section 2. Tualatin residents are urged to acquaint themselves with the issues involved in providing our public works services and to recognize the contributions which public works employees and officials make everyday to our health, safety, comfort, and quality of life.

INTRODUCED AND ADOPTED this 12th day of May, 2008.

CITY OF TUALATIN, Oregon

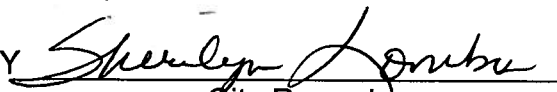
BY



Mayor Pro Tem

ATTEST:

BY



City Recorder

PROCLAMATION

PROCLAMATION DECLARING THE WEEK OF MAY 12 – 16, 2008 AS "NATIONAL POLICE WEEK" IN THE CITY OF TUALATIN

WHEREAS the Congress of the United States of America has designated the week of May 12 – 16, 2008 to be dedicated as "*National Police Week*" and May 15th of each year to be "*Police Memorial Day*" in honor of the Federal, State and Municipal Officers who have been killed or disabled in the line of duty; and

WHEREAS it is known that approximately every 57 hours an American Police Officer will be killed or disabled in the line of duty somewhere in the United States; and

WHEREAS the City of Tualatin is proud of our law enforcement officers and wish to recognize their commitment to the public safety profession; and

WHEREAS the Tualatin Police Department provides the highest quality service for our citizens, preserving human rights, lives and property; and

WHEREAS the Tualatin Police officers are committed to the highest professional standards, working in partnership with our citizens, to meet the challenges of reducing crime, creating a safe environment, and improving our quality of life.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

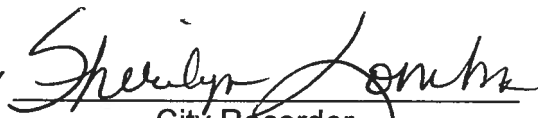
The week of May 12 – 16, 2008 is hereby proclaimed "*Police Week*" in the City of Tualatin to call attention to Tualatin Police Officers for the outstanding service they provided to our community. The City Council also calls upon our citizens to express their thanks to the men and women who make it possible for us to leave our homes and family in safety each day and return to our homes knowing they are protected by men and women willing to sacrifice their lives if necessary, to guard our loved ones, property, and government against all who would violate the law.

INTRODUCED AND ADOPTED this 12th day of May, 2008.

CITY OF TUALATIN, OREGON

BY 
Mayor Pro Tem

ATTEST:

BY 
City Recorder



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 5-12-08
Recording Secretary MSmx

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Michael A. McKillip, City Engineer *[Signature]*
Kaaren Hofmann, Civil Engineer *[Signature]*

DATE: May 12, 2008

SUBJECT: RESOLUTION AUTHORIZING ACCEPTANCE OF A SEWER LINE EASEMENT FROM DAVID & DENA DWYER AT 9685 SW KILLARNEY LANE IN ASSOCIATION WITH THE SW KILLARNEY LANE SEWER AND WATER PROJECT

ISSUE BEFORE THE COUNCIL:

Adopt the attached resolution accepting the sewer line easement for the Killarney Lane Sewer and Water Project.

RECOMMENDATION:

Staff recommends that the Council adopt a resolution authorizing acceptance of a permanent easement for the Killarney Lane Sewer and Water Project.

EXECUTIVE SUMMARY:

The budget contains two projects to construct sewer and water system improvements in SW Killarney Lane.

Attached for Council approval is a Sanitary Sewer Easement granted to the City (Grantee) in association with the improvements for the Killarney Lane Sewer and Water Project. At its February 25, 2008 meeting, Council directed the acquisition of this easement. The easement is from David & Dena Dwyer at 9685 SW Killarney Lane.

OUTCOMES OF DECISION:

Accepting the easements will result in the following:

- a. Construction of the proposed project to provide sanitary sewer service to 32 property owners in the City of Tualatin.

Not accepting the easements will result in the following:

- a. All work on the project will stop.
- b. The sewer line will not be constructed.

FINANCIAL IMPLICATIONS:

The cost of the easement is \$3900.00. There is adequate money available in the Sewer Operating Fund to pay for this easement.

Attachments: A. Resolution
 B. Sewer Line Easement

RESOLUTION NO. 4785-08

RESOLUTION AUTHORIZING ACCEPTANCE OF A SEWER LINE
EASEMENT FROM DAVID & DENA DWYER AT 9685 SW
KILLARNEY LANE IN ASSOCIATION WITH THE SW KILLARNEY
LANE SEWER AND WATER PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:

Section 1. The attached document is hereby accepted by the City of Tualatin:

- a. Sewer Line Easement from David & Dena Dwyer at 9685 SW
Killarney Lane

Section 2. The City Recorder is instructed to cause said Easement to be
recorded in the Book of Records of the Washington County Recorder.

INTRODUCED AND ADOPTED this 12th day of May, 2008.

CITY OF TUALATIN, OREGON

By


Mayor Pro Tem

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By


City Recorder

Resolution No. 4785-08



**CITY OF TUALATIN, OREGON
SANITARY SEWER EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that David & Dena Dwyer (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Sanitary Sewer Line on the following described land:

See attached legal description and map (Exhibits A & B)

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever, as long as the sanitary system is utilized by the City of Tualatin. Should the system be abandoned the easement will be null and void.

GRANTOR reserves the right to upon completion of the improvements for which property is being acquired, to construct any building, utility or other structure, walkways, plantings and parking over said property permissible under applicable building and zoning codes. Uses by GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition acceptable to GRANTOR and shall indemnify and hold the GRANTOR harmless for, from and against all loss, costs, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$ 3,900.00 and good and valuable consideration the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances of record and that GRANTOR, the GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR except for claims arising out of performance failures of the public sanitary system (i.e. leaks, contamination, rework, etc.)

EXECUTED this 2nd day of May, 20 08.

Signature

Name (print or type)

Signature

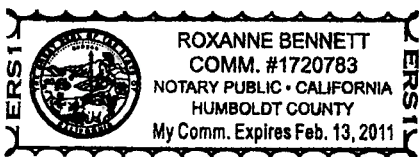
Name (print or type)

STATE OF CALIFORNIA

County of HUMBOLDT

) ss

On this 2nd day of May, 20 08, before me, the undersigned,
a Notary Public, personally appeared ** DAVID DWYER AND DENA DWYER **
and acknowledged the foregoing instrument
to be their voluntary act and deed.



Before me:

Roxanne Bennett
Notary Public for California
Humboldt County

My commission expires: 2-13-2011

CITY OF TUALATIN, OREGON

By:

[Signature]
Mayor Pro Tem

ATTEST:

By:

[Signature]
City Recorder

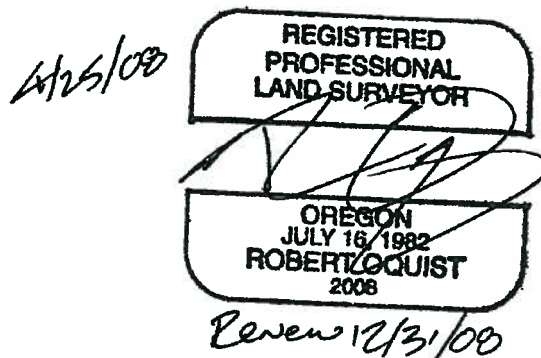
eas/Dwyer Sanitary Sewer



Legal Description

A strip of land for sanitary sewer purposes over and across a portion of that tract of land described in deed to David F. Dwyer and Dena J. Dwyer per Doc. No. 2002 – 038914, Washington County deed records being also a portion of Lot 17, Galway Hill, a plat of record and located in the SW 1/4 of Section 26, T.2S., R.1W., W.M., City of Tualatin, Washington County, Oregon being more particularly described as follows:

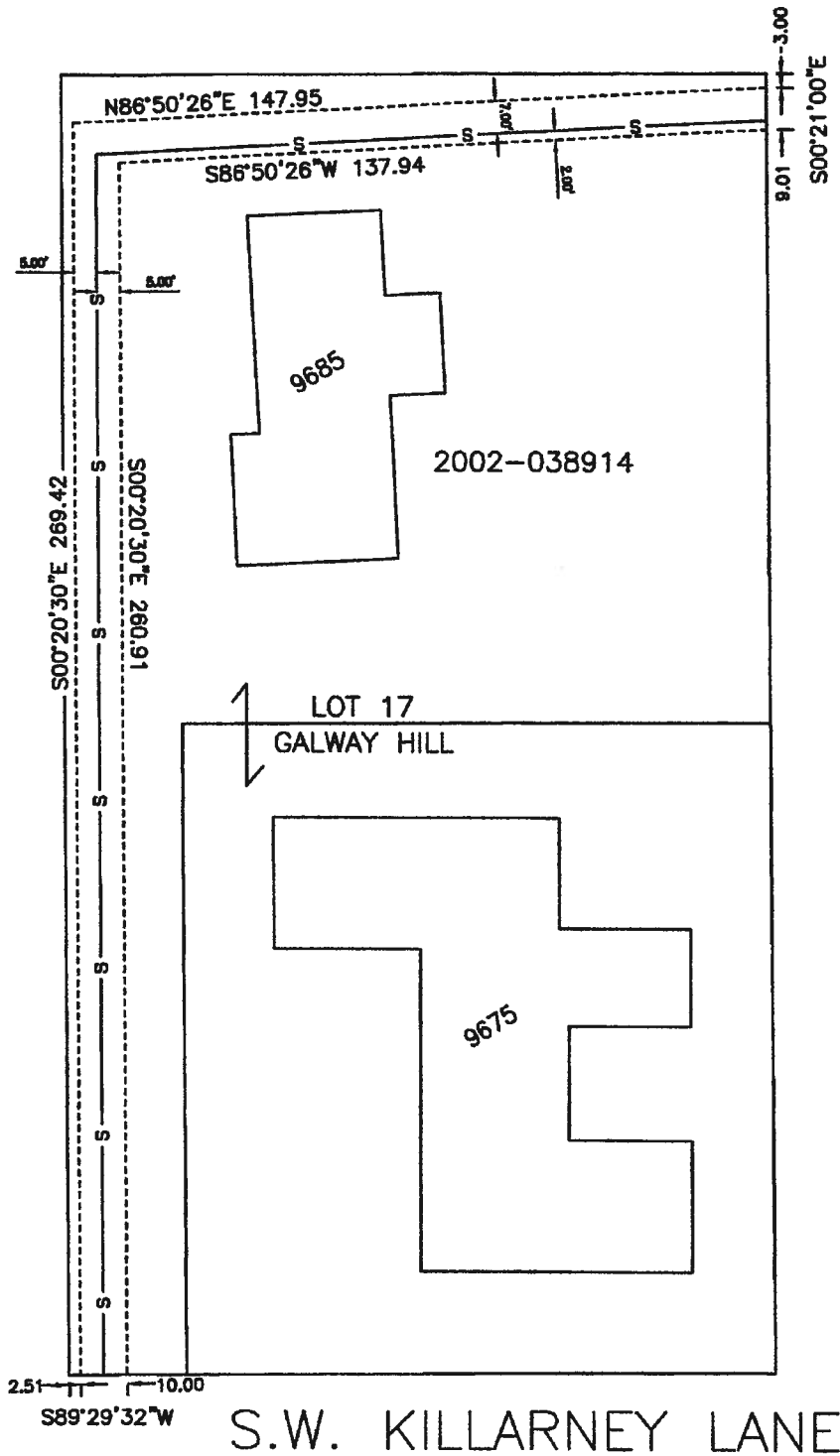
Beginning at a point on the south line of said Lot 17 which bears N 89° 29' 32" E, 2.51 feet from the southwest corner thereof; thence leaving said line, N 0° 20' 30" W, 269.42 feet; thence N 86° 50' 26" E, 147.95 feet to a point on the east line of said Lot 17 which bears S 0° 21' 00" E, 3.00 feet from the northeast corner thereof; thence along said east line, S 0° 21' 00" E, 9.01 feet; thence leaving said line, S 86° 50' 26" W, 137.94 feet; thence S 0° 20' 30" E, 260.91 feet to the south line of said lot being a point on the north right-of-way line of SW Killarney Lane; thence along said line, S 89° 39' 30" W, 10.00 feet to the point of beginning.



BEING A PORTION OF LOT 17,
GALWAY HILL. LOCATED IN THE
SOUTHWEST ONE-QUARTER OF
SECTION 26, TOWNSHIP 2 SOUTH,
RANGE 1 WEST, OF THE WILLA-
METTE MERIDIAN, WASHINGTON
COUNTY, OREGON.

EXHIBIT MAP

OF SANITARY SEWER EASEMENT



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1982
ROBERT OQUIST
2008

RENEWS 12/31/08

FEBRUARY 12, 2008

LANDESIGN GROUP LLC

4445 SW BARBUR BLVD. #210
PORTLAND OR, 97239
503-226-0486
FAX: 503-2261670

NORTH



SCALE: 1"=40'



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 5-12-08
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*

DATE: May 12, 2008

SUBJECT: A RESOLUTION ALLOWING WILLOWBROOK ARTS PROGRAM
SPECIAL EVENT PARKING ON SW NYBERG LANE DURING
SUMMER 2008

ISSUE BEFORE THE COUNCIL:

Council will consider allowing parking in bike lanes on SW Nyberg Lane to accommodate Willowbrook Arts Program evening performances.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution allowing parking on SW Nyberg Lane, between Brown's Ferry Park and SW 57th Avenue, on July 2, 9-11, 16-18, 23-25, 30-31 and August 1, 6-8, 2008.

EXECUTIVE SUMMARY:

Willowbrook has operated at Brown's Ferry Park for 10 years, including three years before the park was developed. The 2008 program is scheduled to run six weeks (June 30 -August 8). The program has approximately 300 daily participants and as there are only about 50 on-site parking spaces, they use a drop-off/pickup system to accommodate the flow.

This resolution would allow vehicular parking in the bike lane on the north side (westbound) of SW Nyberg Lane during evening Willowbrook Arts Program (Willowbrook) performances. In this case, bicycle traffic can be routed onto the bike path located on the Park beginning at the intersection of SW 57th Avenue, providing a safe way for bicyclists to travel westbound during the periods the bike lane is used for parking (see attached map).

Willowbrook offers evening programs consisting of drama performances and Family Art Fairs on three evenings each week that the program is in session. Approximately 50 to 250 people attend the evening activities. The 50 parking spaces are not enough to allow for parking by evening program attendees. While Willowbrook has sought solutions to the parking problem, such as arranging an agreement with the La Petite Daycare Academy to allow evening parking at their SW Nyberg Lane facility for example, there is still not enough parking. Allowing temporary parking in the westbound bike lane supports the Willowbrook program by increasing

(Executive Summary cont.)

parking options for its patrons by about 50 spaces. Council has made this allowance for Willowbrook for the past six years.

OUTCOMES OF DECISION:

Parking will be allowed in the westbound bike lane between 5:00 p.m. and 10:00 p.m. on evenings when performances are held at Willowbrook.

FINANCIAL IMPLICATIONS:

None.

Attachments: A. Resolution
 B. Map

RESOLUTION NO. 4786-08

A RESOLUTION ALLOWING PARKING ON SW NYBERG LANE
BETWEEN BROWN'S FERRY PARK AND SW 57TH AVENUE ON
SELECTED DATES DURING SUMMER 2008

WHEREAS parking is generally prohibited in bike lanes as per ORS 811.550(24), and there are exemptions authorized in the statutes including "vehicles acting in compliance with law or at the direction of a Police Officer or traffic control device" {ORS 811.560(6)}, and

WHEREAS the City as a road authority over City streets, including SW Nyberg Lane, can establish regulations controlling use of the roadway.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. In accordance with Section 3 of Ordinance 506-80, as amended, the City adopts the following restrictions for parking in the bike lanes on SW Nyberg Lane:

1. On July 2, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31, and August 1, 6, 7, and 8, 2008 between 5:00 p.m. and 10:00 p.m., parking is specifically allowed in the westbound bike lane on SW Nyberg Lane between the following points:
 - a. A point located 150-feet west of the intersection of SW 57th Avenue and SW Nyberg Lane.
 - b. A point located 100-feet east of the entrance to Brown's Ferry Park.
2. All other bike lanes on SW Nyberg Lane shall remain open and parking will not be allowed in those bike lanes.

Section 2. The Operations Director is directed to implement the above noted parking allowances by the placement of signs on SW Nyberg Lane to route westbound bicycle traffic onto the park bike path.

INTRODUCED AND ADOPTED this 12th day of May, 2008.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, OREGON

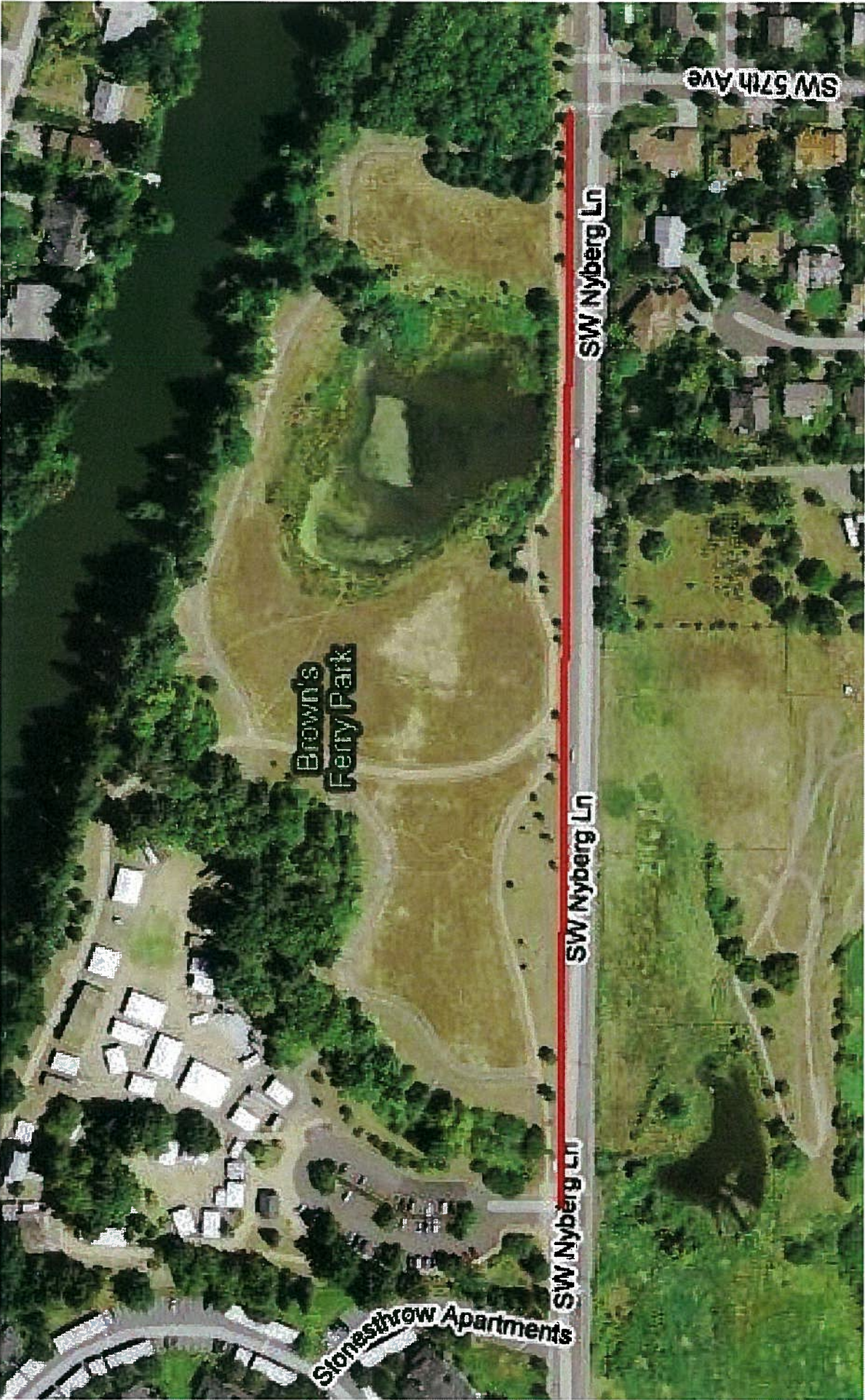
By


Mayor Pro Tem

ATTEST:

By


City Recorder





Approved By Tualatin City Council
Date 5-12-08
Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Michael A McKillip, City Engineer *[Signature]*
Kaaren Hofmann, Civil Engineer *[Signature]*

DATE: May 12, 2008

SUBJECT: RESOLUTION AWARDING BID FOR AQUIFER STORAGE AND RECOVERY PUMP HOUSE IMPROVEMENTS

ISSUE BEFORE THE COUNCIL:

Awarding the Aquifer Storage and Recovery Pump House Project to Stettler Supply Company.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution awarding the Aquifer Storage and Recovery Pump House project and authorizing the Mayor to execute a contract with Stettler Supply Company in the amount of \$1,336,550.00.

EXECUTIVE SUMMARY:

- The budget contains a project to construct an Aquifer Storage & Recovery Well on the SW 108th Avenue Reservoir site.
- The Invitation to Bid was published in the Daily Journal of Commerce on April 1, 7 and 16, 2008.
- The bids for this project were opened on Thursday, April 24, 2008 at 2:00 p.m. Two bidders responded as follows:

| | |
|---------------------------|----------------|
| Stettler Supply Company | \$1,336,550.00 |
| Schneider Equipment, Inc. | \$1,597,250.00 |

- The Engineer's Estimate for the work was \$1,500,000.00.
- The lowest responsible bidder is Stettler Supply Company at \$1,336,550.00.

OUTCOMES OF DECISION:

Awarding of the contract will result in the following:

1. Construction of the proposed project will provide the following:
 - a. The use of the Aquifer Storage and Recovery Well that was drilled several years ago.
 - b. This project will allow the City to utilize 'excess' winter water in the summer time when water usage is increased.
 - c. We should be utilizing the recovered water in the Summer of 2009.

Not awarding the contract will result in the following:

1. All work on the project will stop.
2. The Aquifer Storage and Recovery Well will not be functional.

FINANCIAL IMPLICATIONS:

Funds are available for this project in the Water Development Fund.

Attachments: A. Resolution

RESOLUTION NO. 4787-08

RESOLUTION AWARDING BID FOR THE AQUIFER STORAGE
AND RECOVERY PUMP HOUSE IMPROVEMENTS

WHEREAS the project was advertised in the *Daily Journal of Commerce* on April 1, 7, and 16, 2008; and

WHEREAS two proposals were received prior to the close of the bid period on April 24, 2008; and

WHEREAS Stettler Supply Company submitted the lowest responsible bid for the project in the amount of \$1,336,550.00; and

WHEREAS there are funds available for this project in the Water Development Fund.

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF TUALATIN, OREGON, that:

Section 1. The contract is awarded to Stettler Supply Company.

Section 2. The Mayor and City Recorder are authorized to execute a contract with Stettler Supply Company in the amount of \$1,336,550.00.

Section 3. The City Engineer is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 12th day of May 2008.

CITY OF TUALATIN, OREGON

By


Mayor Pro Tem

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By


City Recorder



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 5-12-08

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, AICP, Community Development Director *Eu for D. Rux*
Colin Cortes, Assistant Planner *C.C.*

DATE: May 12, 2008

SUBJECT: ANNEXATION OF PROPERTY AT 8930 SW NORWOOD ROAD
(2S 1 35D 107) (ANN-08-01)

ISSUE BEFORE THE CITY COUNCIL:

A petition for annexation of a property known as Tax Lot 107 on Washington County Assessor's Map 2S 1 35D located at 8930 SW Norwood Road.

RECOMMENDATION:

Staff recommends City Council adopt the staff report and direct staff to prepare an ordinance granting ANN-08-01 with an endorsement of annexation to the Clean Water Services District.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a petition for an expedited annexation.
- The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045.
- The applicant is the Engineering and Building Department. The City owns Tax Lot 107 (Map 2S 1 35D) located 8930 SW Norwood Road. A vicinity map and a tax map are included as Attachments A and B respectively. The applicant's materials are included as Attachment C.
- The subject property has no street frontage and is the site of an existing municipal reservoir. When annexed, staff proposes to designate the property as an Institutional (IN) Planning District through PMA-08-02, which staff will bring before the City Council on May 27, 2008.
- As required in the revised Urban Planning Area Agreement (UPAA) with Washington County adopted by the Tualatin City Council on October 9, 2006 via Ordinance 675-06 and Resolution 4592-06, the City notified the County of annexation ANN-08-01. Per Section III(G), the County does not oppose this annexation.

- The subject property will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The property is currently not within the service boundary of Clean Water Services (CWS), the Washington County stormwater management and sewage treatment agency. Upon annexation by the City, the property must be annexed to CWS, initiated by the City.
- The Applicant has prepared material that addresses the annexation approval criteria (Attachment C). Staff has reviewed the applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment E).
- The applicable policies and regulations that apply to the annexation of a property into an IN Planning District include: Tualatin Development Code (TDC) 4.050 General Growth Objectives; 31.067 Procedure for Annexing Territory to the City Limits; and 49.010 Institutional Planning District Purpose. The Analysis and Findings (Attachment E) considers the applicable policies and regulations.
- Before granting the proposed annexation, the City Council must find that the annexation conforms to TDC Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes [TDC 31.067(5)]. The Analysis and Findings (Attachment E) examines the application in respect to the requirements for granting an annexation.
- A plan map amendment application, PMA-08-02, runs concurrently with this annexation and will designate the annexed property as an Institutional (IN) Planning District. Initiation of a conditional use permit (CUP) for the existing reservoir will be processed at a later date.
- Designation of Institutional (IN) Planning District is necessary because upon annexation the subject property would otherwise retain the Washington County planning area designation. PMA-08-02 and a future conditional use permit (CUP) are necessary to comply with the Tualatin Community Plan (TCP), the City's comprehensive plan that is part of the Tualatin Development Code (TDC)
- TDC Section 49.030(3) allows a water reservoir as a conditional use in an Institutional (IN) Planning District, necessitating the need for a CUP application upon approval of the PMA. (The pump station is an approved use.)
- The adopting ordinance for ANN-08-01 has a Council date of June 9, 2008.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The property is annexed to the City of Tualatin and to be designated as Institutional (IN) Planning District through PMA-08-02, which staff will bring before the City Council on May 27, 2008.
2. The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District
3. The Council will endorse annexation to the CWS district

Denial of the Annexation petition will result in the following:

1. The property will remain outside the City of Tualatin and will remain as unincorporated Washington County territory.
2. Staff will not bring Plan Map Amendment PMA-08-02 before the City Council on May 27, 2008.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Deny the petition for the annexation.
- Continue the discussion of the annexation and return to the matter at a later date.

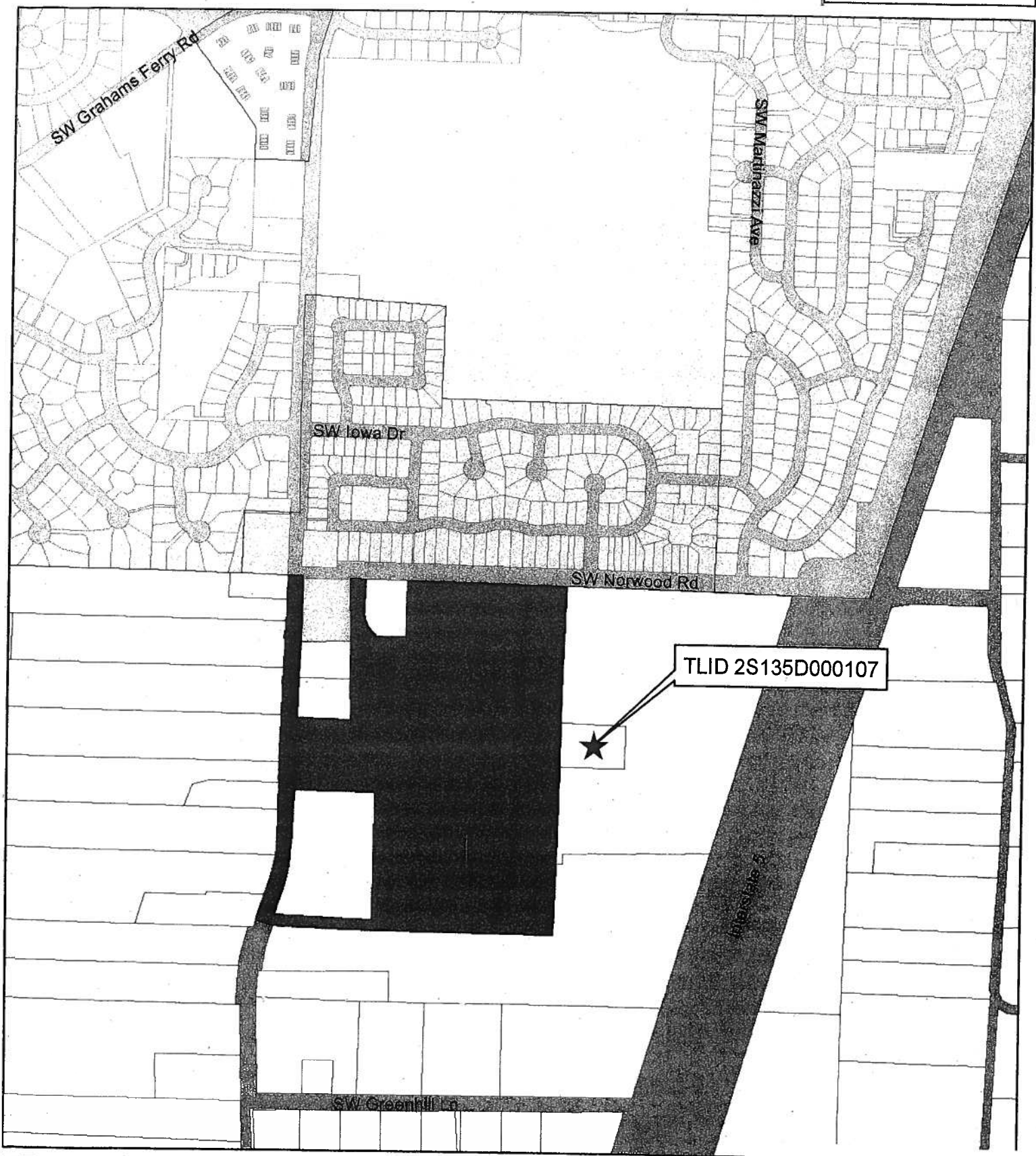
FINANCIAL IMPLICATIONS:

With the City of Tualatin Engineering and Building Department as the applicant, an applicant fee is not required. Funds have been budgeted for the Planning Division for FY 2007/08 to process City-initiated annexation requests.

PUBLIC INVOLVEMENT:

The applicant conducted a neighbor/developer meeting on February 21, 2008 in the Council Chambers to explain the annexation proposal to the two neighboring property owners and to note comments. No property owners or members of the public attended the meeting. At the time this staff report was prepared, there have been no comments on this application submitted into the record.

- Attachment:**
- A. Vicinity Map
 - B. Tax Map
 - C. Applicant's Materials and Supporting Information
 - D. Background
 - E. Analysis and Findings



Planning Districts

- RL
- RML
- IN

RF 1:7,000



Attachment A
Vicinity Map

SE 1/4 SECTION 35 T2S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

SEE MAP
2S 1 35AD

S.W.
VERMILLION
DRIVE

S.W. 89TH
AVENUE

(CR. 1183)

NORTH 1000

ROAD

748.99

300.0

100
25.18 AC

676.5

80 RODS 752.5

107
1.38 AC
107-CI (CS 13646)

SOUTH 40 RODS
NORTH 4 RODS

NE COR.
SW 1/4 SE 1/4

1 ROD

80 RODS

200'

5150 AC

100

452.22

Attachment B
Tax Map

PETITION TO ANNEX TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:

9000 SW NORWOOD RD. TUALATIN, OR
Street Address of Property (If address has been assigned)

Subdivision Name, Lot Number(s), Block Number(s)

25135 D 000107

Map & Tax Lot Number(s)

WASHINGTON
County

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Shirley Johnson

Signature

SE

Owner initial

Voter initial

2/27/08

Date

Signature

Owner initial

Voter initial

Date

Owner Authorized Signature

Owner initial

Voter initial

Date

18880 SW MARTINAZZI AVE.

Street Address

503-691-3010

Phone

Alt Phone

18880 SW MARTINAZZI AVE.

Mailing Address

TUALATIN, OR 97062

City, State, Zip

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective [] indefinitely [] until _____.

Office Use Only

Date Received _____

Ownership Checked _____

By _____

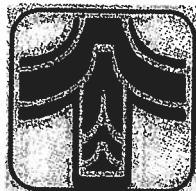
If you have questions, call 503-691-3026.

Signature

Date

Signature

Date



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

ANNEXATION CERTIFIED

BY

MAR 05 2008

WASHINGTON COUNTY A & T
CARTOGRAPHY

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME PAUL A. KAUFFMAN

TITLE CARTOGRAPHY SUPERVISOR

DEPARTMENT ASSESSMENT & TAXATION

COUNTY OF WASHINGTON

DATE 3/5/08

*Owner means the owner of the title to real property or the contract purchaser of the real property.

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

ANNEXATION CERTIFIED

BY Paul A. Kauffman

MAR 05 2008

WASHINGTON COUNTY A & T
CARTOGRAPHY

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map ZS 135D) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

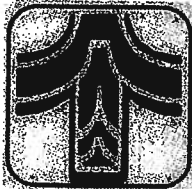
NAME PAUL A. KAUFFMAN

TITLE CARTOGRAPHY SUPERVISOR

DEPARTMENT ASSESSMENT & TAXATION

COUNTY OF WASHINGTON

DATE 3/5/08



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number,
Township & Range)

(1) SHERILYN LOMBOS, CITY MANAGER, CITY OF TUALATIN

18880 SW MARTWAZZI AVE. TUALATIN, OR 97062, 2S135D000107

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

EXHIBIT "A"

ANNEXATION CERTIFIED

BY *Paul A. Koff*

MAR 05 2008

City of Tualatin Annexation
December 24, 2007

WASHINGTON COUNTY A & T
CARTOGRAPHY

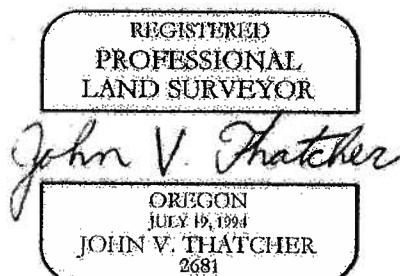
PARCEL 1 - AREA OF ANNEXATION

A tract of land lying in the Southeast quarter Section 35, Township 2 South, Range 1 West, W.M., Washington County, Oregon and being more particularly described as follows:

Beginning at a point lying S89°44'25"W 1330.30 feet and S00°03'02"E 676.50 feet from the East quarter corner of said Section 35; thence N89°44'25"E 300.00 feet; thence S00°03'02"E 200.00 feet; thence S89°44'25"W 300.00 feet, thence N00°03'02"W 200.00 feet to the **Point of Beginning**.

Basis of Bearing for this description is Survey No. 14418, Washington County Survey Records.

Said Parcel 1 contains 60,000 square feet or 1.38 acres, more or less.



RENEWAL: 7/01/08
SIGNED: 12-24-07

SE 1/4 SECTION 35 T2S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

SEE MAP
2S 1 35AD

S.W.
VERMILLION
DRIVE

S.W. 89TH
AVENUE

(CR. 1183)

746.99

300.0

100
25.18 AC

674.5

80 RODS 752.5

107
1.38 Ac
107-CI (CS 13646)

SOUTH 40 RODS
NORTH 4 RODS

NE COR.
SW 1/4 SE 1/4

1 ROD

80 RODS

452.22

200'

S 15° 04' E

100

ALDOCK



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

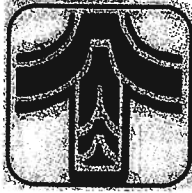
REQUEST FOR EXPEDITED PROCEDURE FOR ANNEXATION TO THE CITY OF TUALATIN

I (We), the undersigned Principle Petitioners, request this Annexation Proposal be approved in an expedited fashion. This request is made pursuant to ORS 222.125 and Metro Code 3.09.045.

This request is made in addition to and supplements all other requirements for filing an annexation petition.

| Signature of Principal Petitioners | Address | Map and Tax Lot Number |
|------------------------------------|---|------------------------|
| 1. <i>Shirley Lombas</i> | 18880 SW MARTINAZZI AVE TUALATIN, OR 97062 | 2S135D000107 |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |

This form is NOT a petition for annexation. It is only a request to expedite the process. This form must be accompanied by a regular petition and the other forms normally submitted to initiate a proposal.



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7002
Main 503.692.2000
TDD 503.692.0674

ANNEXATION PROPERTY INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: Acres 1.38

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

THE ELEVATION OF THE SITE INCREASES FROM NORTH TO SOUTH AND FROM EAST TO WEST. A STAND OF TREES LINES THE NORTHERN SIDE OF THE SITE. A CLUSTER OF TREES RESIDES ON THE SOUTHERN SIDE OF THE SITE NEAR THE SE CORNER. THERE ARE NO FLOODPLAINS ON THIS SITE.

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: 2S13SD000100 FORESTLAND

South: 2S13SD000100 FORESTLAND

East: 2S13SD000100 FORESTLAND

West: 2S13SD000106 CHURCH

D. EXISTING LAND USE:

No. of single-family units 0 No. of multi-family units 0

No. of commercial structures 0 No. of industrial structures 0

Public facilities or other uses PUMP STATION & WATER RESERVOIRS

What is the current use of the land proposed to be annexed: _____

PUMP STATION & WATER RESERVOIRS

E. Total current year Assessed Valuation – Land \$ 237,350 Structures \$ 0

F. Total existing population 0

G. Is the territory contiguous to the City Limits? YES

H. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary? INSIDE

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

The following are the criteria used in making a decision to annex property to the City of Tualatin. **Please address each of these in narrative form.** Be as thorough and complete with your answers as possible. Please see the attached "Criteria Guidelines" sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

Annexation Application Instructions
City of Tualatin Community Development Dept - Planning Division

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
 5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
 6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;
 7. Consistency with other applicable criteria for the boundary change in question under state and local law.
- B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City N/A

County WASHINGTON

Highway Lighting District N/A

Rural Fire District TUALATIN VALLEY FIRE & RESCUE

Sanitary District N/A

Water District CITY OF TUALATIN

Grade School District SHERWOOD

High School District SHERWOOD

Library District WASHINGTON COUNTY LIBRARY

Drainage District N/A

Parks & Recreation District N/A

Other _____

- C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please describe.

THE CITY OF TUALATIN WATER DISTRICT SERVES THIS SITE.

APPLICANT'S NAME KAREN HOFMANN

MAILING ADDRESS 18880 SW MARTINAZZI AVE

TUALATIN, OR 97062

WORK TELEPHONE (503) 691-3034

HOME TELEPHONE (503) 691-3034

REPRESENTING CITY OF TUALATIN

DATE 2/19/08

1. At this time, there are no service agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider at this site.
2. The property lies within the established Urban Boundary. This annexation is consistent with Tualatin's Urban Planning Area Agreement with Washington County and the Urban Growth Management Agreement between City of Tualatin and Clackamas County.
3. Because the property to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).
4. The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.
5. The property is tax lot 2S135D000107, its address is 9000 SW Norwood Road, Tualatin, OR. The purpose of this annexation is to bring the existing public utility facilities (pump station and reservoirs) that serve the urban area into the city and to make improvements as part of the development code. There are no occupied buildings onsite. Transportation from the site to Norwood road is provided by a private drive. Water is delivered to the site by the City of Tualatin. There is no storm or sanitary sewers serving this property.
6. Not applicable.
7. No other criteria have been determined to be applicable.

PROPERTY OWNER INFORMATION SHEET (cont'd)

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number,
Township & Range)

(7) _____

(8) _____

(9) _____

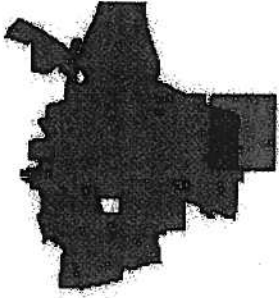
(10) _____

2S1 35D 100

Dorothea Pennington & Paul Pennington Trustee
9355 SW Stono Drive
Tualatin, OR 97062

2S1 35D 106

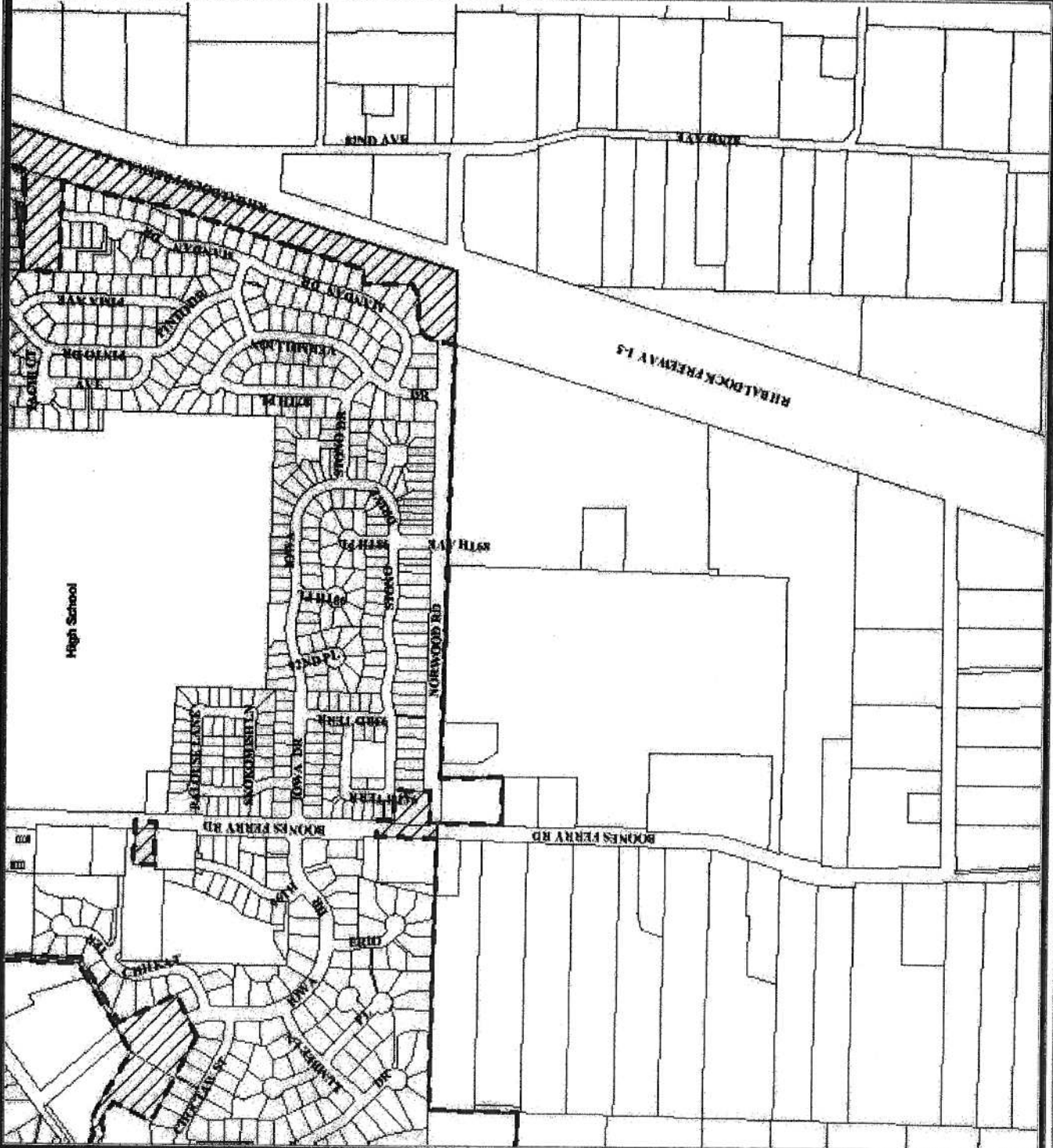
Grace Community Church Assemblies of God Inc
P O Box 2690
Tualatin, OR 97062



Norwood Pump Station
Annexation Vicinity
Map

Legend

Scale 1:9,000
1 in = 750 ft



ANN-08-01 ATTACHMENT D: BACKGROUND

ANN-08-01 is an expedited annexation request that meets the signature requirements of Metro Code 3.09.045 and necessitates quasi-judicial review.

It would remove the subject property from both the Washington County Enhanced Sheriff Patrol and Urban Road Maintenance Districts. Upon the City annexing the subject property and endorsing annexation into the Clean Water Services (CWS) District, CWS will initiate annexation into its service district. The annexation ordinance goes before the City Council on June 9, 2008.

The approximately 1.4-acre subject property at 8930 SW Norwood Road is already developed as a municipal water reservoir with a pump station providing B Level service. A telecommunications tower is also on site. The applicant is the Engineering and Building Department, who wishes to upgrade the pump station. While a reservoir is a permitted use in Institutional (IN) Planning District per Tualatin Development Code (TDC) Chapter 49, a pump station is conditional, necessitating the future submittal of a conditional use permit (CUP) application following approval of PMA-08-02.

The property is among the acreage that Metro brought within the regional Urban Growth Boundary (UGB) in June 2004 and designated for regionally significant industrial land uses. This area is the subject of the South Tualatin Concept Plan. The Oregon Department of Transportation (ODOT), Metro, and Washington County are conducting a corridor study to extend a limited access roadway from south of the I-5 and I-205 interchange to the Pacific Highway (U.S. 99W), passing through the South Tualatin area. The agencies have not yet selected a preferred alternative among the alternative corridor alignments through the area, and this has delayed completion of concept planning by Tualatin. The City has an Urban Planning Area Agreement (UPAA) with Washington County to coordinate timely and well-located development. While not within this planning area, staff of both local governments have established an understanding that the amendment of the UPAA is minor enough to be delayed until at least next year when the South Tualatin Concept Plan will necessitate several amendments.

The pending IN designation serves to both remove the Washington County planning area designation and to prevent the possibility of development until a future time when concept planning is completed, acreage is annexed, and the City is ready to extend urban services for planned development. The City created the IN designation for this express purpose via Ordinance 1216-06 on July 24, 2006 to accommodate the annexed campus of Horizon Community Church, formerly known as Grace Community Church. The property owner wanted the benefits of urban water and sewer service, and the City created IN to accommodate public, semi-public, and miscellaneous land uses while preventing untimely or ill-located development of other land uses.

ANN-08-01 ATTACHMENT E: ANALYSIS AND FINDINGS

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Sections 4.050(20) and (21) and 4.060(1), the applicable criteria in Metro Code Section 3.09 and Oregon Revised Statutes (ORS) Chapter 222 [TDC 31.067(5)], if the annexation is to be granted. The Applicant has prepared materials and a narrative that address the annexation requirements (Attachment C) and staff has reviewed the Applicant's material below:

Metro Code Chapter 3.09.045(a) allows for an expedited annexation if the applicant obtains signatures from 100 percent of the property owners and 50 percent of the registered voters on the property.

The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045.

Annexations are land use decisions and follow the quasi-judicial hearing process regardless of qualification for expedited review. It is a land use decision because it is a final decision made by a local government concerning the application of comprehensive plan goals and provisions. Quasi-judicial processes apply to a property-specific decision and require that the decision-making body make findings of fact to support its decision and that the findings relate to the decision criteria. The Tualatin City Council is the final ruling body on all annexation applications to the City, with its decisions subject to appeal to the Land Use Board of Appeals (LUBA).

Annexations change the jurisdiction over a property; they do not entitle development, allow the removal of soil or trees, or affect traffic.

Annexation is in the public interest of the residents of the City of Tualatin because property taxes are one of the two primary sources of revenue for local governments in Oregon, and they fund amenities from which residents benefit such as library services, parks, police, and public facilities. A benefit of annexation is that residents who currently reside near but outside of city limits would start paying taxes for those public services that they are likely already using.

Because this is a quasi-judicial review, the following approval criteria must be met to approve this annexation.

1. Metro Code Chapter 3.09.045(d) (as amended by Ordinance No. 07-1165A, Sec. 1, effective 1/17/2008) states that an expedited municipal final decision about a boundary change shall include findings of fact satisfying the following criteria:

1.A. The change is consistent with expressly applicable provisions in any applicable urban service agreement adopted pursuant to ORS 195.065

The application states: “At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider at this site.” Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

The criterion does not apply.

1.B. The change is consistent with expressly applicable provisions in any applicable annexation plan adopted pursuant to ORS 195.205

Same as above.

1.C. The change is consistent with expressly applicable provisions in any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party

The property is beyond the Tualatin Planning Area Boundary as established in the revised Urban Planning Area Agreement (UPAA) with Washington County adopted by the Tualatin City Council on October 9, 2006 via Ordinance 675-06 and Resolution 4592-06. The agreement tasks the City with conducting comprehensive planning, planning public facilities, and regulating development activities for the incorporated and certain unincorporated areas within the Planning Area Boundary. The agreement also identifies the City as the appropriate provider of local potable water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area. Further, the agreement binds the County to not approve a development proposal in the Urban Planning Area if the proposal would neither provide for nor be conditioned to provide for an enforceable plan for future development at urban densities consistent with the Tualatin Community Plan the city’s comprehensive plan.

The intent of the agreement is to ensure planning for potentially urban development to avoid difficulties such as a lack of adequate and efficient services for such development. It is therefore in the public interest to change the jurisdictional boundary of the subject property. The property lies within the regional Urban Growth Boundary (UGB) but beyond the area covered by the UPAA. City and Washington County planning staff in January established an understanding that in the interest of efficiency and time and because the pending South Tualatin concept plan will trigger a batch of several UPAA updates, it is mutually convenient that the City and County update the UPAA to cover the property no earlier than next year. The intent of the UPAA is met.

It is further in the public interest to annex the subject property to further ensure that when development occurs, it meets the standards adopted by the Tualatin City Council as related to permitted uses, density standards, and the like. City standards ensure that development within the City is of high quality – both functionally and visually – and mitigate the deleterious effects development may

have on the transportation system, the natural environment, and other public goods.

The criterion is met.

1.D. The change is consistent with expressly applicable provisions in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services

The application states: "Because the property to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan)."

The criterion is met.

1.E. The change is consistent with expressly applicable provisions in any applicable comprehensive plan

The applicable standards or criteria in the Tualatin Development Code for boundary changes are in Chapters 4.050(20), 4.050(21), and TDC 4.060(1).

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated "islands" of property surrounded by land annexed previously.

Because the city-owned property is not planned for residential development, this requirement is not applicable. Additionally, the City owns the property.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The property is within the existing Metro Urban Growth Boundary.

The requirement is met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City's intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City's intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. While the subject property is beyond Tualatin's planning area boundary, it is within the UGB. The City is bringing the property within the planning area by designating it as an Institutional (IN) planning district via PMA-08-02.

Additionally, the application states: "Because the property to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan)."

The requirement is met.

2.A. The boundary change would promote the timely, orderly and economic provision of public facilities and services

The only direct water line to the site is for potable water for the reservoirs. The nearest sanitary sewer line is located approximately 800 feet north along SW Norwood Road, and the nearest storm sewer line is located approximately 850 feet north at SW 89th Ave and SW Stono Dr in the Norwood Heights residential subdivision.

The Engineering and Building Department does not anticipate development or redevelopment on the site. The concurrent plan map amendment PMA-08-02 and the future initiation of a conditional use permit (CUP) are formalities that will reflect the existing reservoir, which is a conditional use in an Institutional (IN) planning district per TDC Section 49.030(2).

The City established future street rights-of-way (ROWs), including their functional classifications and prospective alignments, as part of Tualatin's Transportation System Plan (TSP) that is incorporated into Chapter 11 of the Tualatin Development Code. Oregon state planning requirements stipulate that the TSP must be based on the adopted comprehensive plan future land use map and must also provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of plan policies. Although actual alignment of roadways may be negotiated during the development process, such as during subdivision review, the general vehicular capacity needs and the associated alignments of the transportation system in Tualatin have been established and planned for in the Tualatin Development Code. Existing and future collectors, arterials, and expressways that are in the general vicinity of the subject property have been established as part of the TSP. The general alignment and potential functional classification of these roads can be found in Figure 11-1 Tualatin Functional Classification Plan, in Chapter 11 of the TDC. The annexation itself will not have any effect on roadway needs. However, it is determined that because the roadway network

and capacity planning has already been established as part of Tualatin's transportation planning process, future development will not interfere with the provision of this type of service in the area.

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion is met.

2.B. The boundary change would affect the quality and quantity of urban services

The subject property has a municipal reservoir. The boundary change would not affect the quality and quantity of urban services.

The criterion is met.

2.C. The boundary change would eliminate or avoid unnecessary duplication of facilities or services

The subject property has a municipal reservoir. The boundary change would avoid unnecessary duplication of facilities or services.

The criterion is met.

2. Metro Code Chapter 3.09.045(3) (as amended by Ordinance No. 07-1165A, Sec. 1. effective 1/17/2008) states that a city may not tax lots outside the UGB except lots that lie partially within the urban growth boundary (UGB).

The subject site is already within the Metro Service District Boundary and within the urban growth boundary (UGB). The requirement is met.

3. Two sections in Oregon Revised Statutes (ORS), Chapter 222 apply to annexations.

ORS 222.111(1) states, "When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies."

The subject property is not currently within a City. This property is contiguous to the City of Tualatin to the west and is bordered by an unincorporated tax lot to the north, east, and south.

This requirement is met.

ORS 222.520(1) states, “Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.”

The subject property is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The City of Tualatin will provide police services. Because the proposed boundary change is consistent with state and local law, this criterion is met.

4. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.045(d) and (e), the Tualatin Development Code (TDC), and Oregon Revised Statutes (ORS) have been met.

5. Clean Water Services Annexation Endorsement

This property is currently outside the CWS District Boundary. Prior to development on the site, the property must be annexed to the CWS service territory (a process initiated by the property owner). CWS requires CWS annexation applicants to provide an endorsement from the City of jurisdiction. The City is in agreement with a petition to annex the subject property to the CWS District and is supportive. To assist the applicant, the ordinance implementing the City Council’s decision to approve an annexation will include a statement of endorsement of the applicant’s petition to annex to the CWS District.




Approved By Tualatin City Council
Date 5-12-08
Recording Secretary M. Smith

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Brenda Braden, City Attorney

DATE: May 12, 2008

SUBJECT: AN ORDINANCE CREATING ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS; AMENDING TDC 31.063, 31.071, 33.010, 40.140, 41.130, 73.040, 73.170, 73.180, AND 73.190 (PTA-06-05).

ISSUE BEFORE THE COUNCIL:

Whether to approve an ordinance that would create Architectural Review Standards for detached single-family dwellings.

RECOMMENDATION:

Staff recommends that the City Council approve the ordinance granting PTA-06-05.

EXECUTIVE SUMMARY:

On April 28, 2008, the City Council held a public hearing (PTA-06-05) to decide whether to amend the Tualatin Development Code (TDC) to add design standards for detached single-family dwellings. At the close of the public hearing, Council approved the Staff Report by a vote of 6-0 with Councilor Maddux absent, and directed Staff to bring back an ordinance adopting PTA-06-05 with amendments as directed by Council.

FINANCIAL IMPLICATIONS:

Fiscal impacts are anticipated as a result of the proposed Plan Text Amendment. City Council must consider whether to adopt new Level I and Level II review fees to recover all, or portions of, any additional costs incurred.

Attachments:

- A. Ordinance
- B. Exhibit A – Affidavit of Publication
- C. Exhibit B – Affidavit of Posting
- D. Exhibit C – Staff Report dated April 28, 2008

ORDINANCE NO. 1260-08

AN ORDINANCE CREATING ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS; AMENDING TDC 31.063, 31.071, 33.010, 40.140, 41.130, 73.040, 73.170, 73.180, AND 73.190 (PTA-06-05).

WHEREAS in the summer of 2005 the City Council directed staff to examine the City's existing single-family dwelling development standards and to provide recommendations to address Council's design-related concerns; and

WHEREAS the City Council considered a City-initiated Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC) to add design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on April 10, 2008, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 28, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0], with Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes, enters, and adopts as its Findings of Fact the findings and analysis in the staff report dated April 28, 2008, marked as "Exhibit C," attached and incorporated by this reference; and,

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interests of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.063 is amended to read as follows:

Section 31.063 Neighborhood/Developer Meetings

(1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, ***except Level I (Clear and Objective) Single-family Architectural Review***; Conditional Uses; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; and Variances, except for variances to existing single family residences.

(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.

(4) The applicant shall mail notice of the meeting:

(a) at least 14 days and no more than 28 days prior to the meeting;

(b) to owners of properties within 300 feet of the subject property, any City-recognized Neighborhood Associations under TDC 31.065 whose boundaries are within 300 feet of the subject property, and to the Community Development Director and City Engineer of Tualatin; and

(c) that states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.

(5) Failure of a property owner to receive notice shall not invalidate the Neighborhood/Developer Meeting proceedings.

(6) The applicant shall post notice of the meeting by posting a waterproof sign on the subject property at least 14 days before the meeting. This sign shall be supplied by the applicant.

(7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.

(8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.

(10) The application shall include the following materials related to the Neighborhood/Developer meeting:

(a) the mailing list for the notice;

(b) a copy of the notice;

(c) an affidavit of the mailing and posting;

- (d) the original sign-in sheet of participants;
 - (e) the meeting notes described in TDC 31.063(7).
- (11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

Section 2. TDC 31.071 is amended to read as follows:

Section 31.071 Architectural Review Procedure.

(1) An applicant for a building or other permit subject to architectural review, ***except Level I (Clear and Objective) Single-family Architectural Review***, shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC 73.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. ***An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7).*** Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from the Unified Sewerage Agency indicating a "Stormwater Connection Permit" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each

parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

(j) A landscape plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.

(k) Architectural drawings or sketches, drawn at a scale of 1/16":1', 1/8":1' or 1/4":1', including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Building perspectives may also be needed.

(l) Specifications as to type, color and texture of exterior surfaces of proposed structures.

(m) A public utility facilities plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location, size and grade of all existing and proposed utility facilities, including but not limited to sanitary and storm sewers; water lines and fire hydrants; streets and sidewalks; water quality swales, traffic study information as required by the City Engineer pursuant to TDC 74.440 and other utility facilities as required by the City Engineer. A grading plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the City Engineer.

(n) Developments in the Central Design District shall provide the Neighborhood Meeting notes and evidence of the notice and posting required in TDC 31.071(5) and shall provide narrative statements considering each of the Design Guidelines in TDC 73.610.

(o) A completed City fact sheet on the project.

(p) An 8 1/2" x 11" black and white site plan suitable for reproduction.

(q) A letter from the franchise solid waste and recycling hauler reviewing the proposed solid waste and recyclables method and facility.

(r) A Clean Water Services Service Provider Letter or Pre-screen for the proposed development.

(s) An acoustical engineer's report as required by the Community Development Director.

(t) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(u) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(2) The applicant shall submit a verified statement showing that a sign has been posted on the property in a conspicuous location which indicates that a development proposal has been submitted to the City and the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location and maintenance shall be determined by the Community Development Director with the objective of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.

(3) For purposes of identifying property owners to receive notification of decisions and hearings, if any, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of the completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered.

(4) For an application to be approved, it shall first be established by the applicant that the proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations. For Expedited Architectural Review Plan Applications the application shall describe the manner in which the proposal complies with each of the expedited criterion for an Expedited Application. Failure to conform is sufficient reason to deny the application.

(5) The purpose of the Neighborhood Meeting in TDC 31.071(1) is to provide a means for the applicant and surrounding neighbors to meet to review a development proposal and identify issues regarding the proposal so they can be addressed prior to the application submittal. The Neighborhood Meeting shall be held in the Central Design District and the meeting shall be held on a weekday evening, or weekend at a reasonable time. The applicant shall mail notice of the meeting at least 14 days prior to the meeting to owners of properties within 300 feet of the subject property. The applicant shall post notice of the meeting by posting a sign on the subject property at least 14 days before the meeting. The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and submit them with the application. The applicant shall hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(6) The Community Development Director may require information in addition to that stated in this section.

(7) An applicant for a new Single-family dwelling or an addition or alteration to an existing Single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to this section. An application for Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level I (Clear and Objective) Single-family Architectural Review application:

- (i) A completed City fact sheet;**
- (ii) The names, addresses, and telephone numbers of the property owners and applicants;**
- (iii) The signatures of the property owners and applicants;**
- (iv) The site address and the assessor's map number and tax lot number;**
- (v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and**
- (vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.**

(b) Level II (Discretionary) Single-family Architectural Review application:

- (i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);**
- (ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;**
- (iii) A narrative statement that describes the manner in which the proposed development meets each of the approval criteria set forth in TDC 73.190;**
- (iv) Neighborhood/Developer Meeting information specified in TDC 31.063(10);**
- (v) A verified statement showing that required signage, as described in TDC 31.071(2), has been posted on the property in a conspicuous location; and**

(vi) Current notification information for all owners of properties within 300 feet of subject property as specified in TDC 73.071(3).

Section 3. TDC 33.010 is amended to read as follows:

Section 33.010 Authorization to Grant or Deny Variances and Minor Variances.

(1) Variances may be granted under the requirements of the TDC as follows when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship:

(a) The City Council may grant variances, including variances that are part of a Subdivision, or a Partition Application. The City Council may grant minor variances in conjunction with a Subdivision, Partition or Property Line Adjustment that the City Engineer, without reaching a decision on the application, has forwarded to the City Council for review, or that has been appealed to the City Council.

(b) The City Engineer may grant minor variances when they are part of a Subdivision, Partition or Property Line Adjustment Application.

(c) The Planning Director may grant minor variances that are not part of a Subdivision, Partition or Property Line Adjustment Application.

(2) Variances may be requested to the TDC Chapters 40-69 and 71-73 and the Sign Standards, TDC 38.100, 38.110, 38.120 and 38.140-38.240, ***except that variances to the Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73.190(1)(a) shall be prohibited.*** Variances to the requirements of TDC Chapter 70, Floodplain District, shall be in accordance with TDC 70.160.

(3) Minor variances may be requested to the lot area, lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses in the Residential Low Density Planning District (RL) and single family dwellings in Small Lot Subdivisions in the RL and Residential Medium to Low Density Planning District (RML). Minor variances may not be requested, nor approved, for more than 10% of the lot area and for no more than 20% of the lot width, building coverage, setback, projections into required yards, structure height, and the small lot location standards in TDC 40.055(3).

(4) Minor variances shall not be requested, nor shall they be approved, to the regulations in TDC Chapter 38, Sign Regulations.

(5) Variances and minor variances shall not be requested, nor shall they be approved, to allow a use of land that is not allowed in a planning district.

Section 4. TDC 40.140 is amended to read as follows:

Section 40.140 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) Development of the following is subject to the provisions set forth in TDC 40.140(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 40.140(1)(b) is proposed, TDC 40.140(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 40.140(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

(v) Development unable to meet one or more of the standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

(iii) A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).

(3) Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.

Section 5. TDC 41.130 is amended to read as follows:

Section 41.130 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) Development of the following is subject to the provisions set forth in TDC 41.130(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 41.130(1)(b) is proposed, TDC 41.130(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 41.130(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

(v) Development unable to meet one or more of the

standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

(iii) A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).

(3) Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.

Section 6. TDC 73.040 is amended to read as follows:

Section 73.040 Architectural Review Plan Approval Required.

~~(1) Except for single family dwellings and the creation of an accessory dwelling unit that does not increase the gross floor area of the single family dwelling~~ ***an addition or alteration to an existing single-family dwelling when it results in less than a 35% expansion of the structure's existing footprint or less than a 35% alteration of an existing wall plane or only affects the wall plane of the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling,*** as permitted by these standards, no new building, condominium, townhouse, ~~accessory dwelling unit that increases the gross floor area of the single family dwelling,~~ ***addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling),*** manufactured dwelling park, small-lot subdivision, landscape improvement (excluding greenways, parks and other Parks and Recreation Department road side improvements), parking lot improvement or expansion, above ground public utility facility (sewer or water pump stations, pressure reading stations and water reservoir), electrical substation, above ground natural gas pumping station, installation of decorative lighting (e.g. neon), exterior painting, awnings, murals, wireless communication facility, attached wireless

communication facility or exterior major remodeling shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable **standards or** criteria.

(2) No new single-family dwelling or addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), as permitted by these standards, shall occur until the architectural review application under TDC 31.071(7) has been reviewed and approved by the Community Development Director or their designee for conformity with the applicable standards or criteria.

(23) Construction, site development and landscaping shall be carried out in substantial accord with the approved architectural review plan **or application**. Review of the proposed architectural review plan **or application** and any changes thereto shall be conducted in accordance with Chapter 31.

Section 7. TDC 73.170 is amended to read as follows:

Section 73.170 Structure Design – Single-family and Multi-family Uses.

(1) Purpose – Single-family Uses.

The purpose of single-family building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features.

(2) Purpose – Multi-family Uses.

The purpose of multi-family, including townhouse, building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to promote functional, safe, innovative and attractive buildings which are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, colors, placement of elements such as windows, doors, mechanical equipment and identification features.

Section 8. TDC 73.180 is amended to read as follows:

Section 73.180 Objectives – Single-family and Multi-family Uses.

(1) Objectives – Single-family Uses.

All new single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more

expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. Development subject to Level I (Clear and Objective) Single-family Architectural Review approval may be permitted to vary from one or more of the clear and objective standards set forth in TDC 73.190(1)(a), provided that the Level II (Discretionary) approval criteria set forth in TDC 73.190(1)(b) are considered. New single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), shall be designed, to the maximum extent practicable, to:

(a) Enhance Tualatin through the creation of attractively designed housing and streetscapes.

(b) Encourage originality, flexibility and innovation in structure design.

(c) Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures.

(d) Provide continuity in design by utilizing architectural materials and style employed on the front façade (elevation) on the remaining sides of the structure.

(e) Discourage monotonous, drab, unsightly, dreary and inharmonious development.

(f) Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of TDC 73.170(1).

(2) Objectives – Multi-family Uses.

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. Buildings shall be designed, to the maximum extent practicable, to:

(4a) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors.

(2b) Enhance energy efficiency through the use of landscape and architectural elements, such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.

(3c) Create subclusters and stagger unit alignments.

(4d) Utilize functional building elements such as carports and garages, balconies, entry areas and sun screens where possible to accomplish unit identity, pride of place and visual diversity.

(5e) Give consideration to organization, design and placement of windows as viewed on each elevation. The system may be a variation on a theme or consistent symmetry and must operate in concert with the provision of adequate interior privacy, safety, daylight and ventilation.

(6f) Select building materials which contribute to the project's identity, form and function, as well as to the existing site and surrounding natural landscape and development.

(7g) Select colors in consideration of lighting conditions under which the structure is viewed, the ability of the material to absorb, reflect or transmit light, and the color's functional role (whether to blend into the environment, express a particular character, discriminate materials, define form and volume or simply as an identification feature such as with color coding).

(8h) Minimize disruption of natural site features such as topography, trees and water features.

Section 9. TDC 73.190 is amended to read as follows:

Section 73.190 Standards – Single-family and Multi-family Uses.

(1) Standards - Single-family Uses.

Except for the side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, the standards in this section shall apply to all sides of a new single-family dwelling or to an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane. The wall plane shall be defined as all vertical surfaces on one side of a dwelling from the base of the main floor level up including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas. Garage door windows may be counted toward the required window coverage percentage in TDC 73.190(1)(a). Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three feet (3') and into a required side yard not more than two feet (2'), or into the required open space as established by coverage standards in TDC Chapter 40 Low Density Residential Planning District (RL) or Chapter 41 Medium Low Density Residential Planning District (RML).

(a) Level I (Clear and Objective) Single-family Architectural

Review. Dwellings shall:

(i) On the front façade (elevation), provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least three (3) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least five (5) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the front façade (elevation) may be reduced in two percent (2%) increments to not less than eight percent (8%) of the wall plane for each additional Residential Wall Design Element provided.

(ii) On each side elevation, except for a side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, provide windows that occupy at least eight percent (8%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on each side elevation may be reduced by two percent (2%) to not less than six percent (6%) of the wall plane if one (1) additional Residential Wall Design Element is provided on the same side elevation as that on which the reduction is made.

(iii) On the rear elevation, provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the rear elevation may be reduced by two percent (2%) to not less than ten percent (10%) of the wall plane if one (1) additional Residential Wall Design Element is provided.

(iv) Residential Roof Design Elements.

(A) Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, vent, or decorative element.

(B) Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle.

(C) Roof eave of at least twelve inches (12").

(D) Roof overhang (bargeboard or verge board) of at least six inches (6") measured outward from the face of the dwelling wall or wall plane.

(E) Window, decorative vent, door, decorated verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends.

(F) Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.

(v) Residential Wall Design Elements.

- (A) Recessed entry – front façade only.
- (B) Portico – front façade only. A roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure.
- (C) Covered porch at least thirty-six square feet (36 sq. ft.) in area and at least four feet (4') deep.
- (D) Balcony, which projects from the wall plane and is enclosed by a railing or parapet (low protective wall).
- (E) Vertical offsets, at least two (2), either projecting or recessed, and at least six inches (6") deep and a minimum of four feet (4') long.
- (F) Horizontal offset, either projecting or recessed, at least five inches (5") deep.
- (G) Bay window, box window, or box bay, which projects at least six inches (6") outward from the wall plane and forms a bay, alcove, or window seat.
- (H) Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling.
- (I) Exterior chimney of brick, stone, composite masonry or similar materials.
- (J) Engaged tower, either square, rectangular, circular or polygonal in form.
- (K) Window trim or surround (casing) at least three and one-half inches (3.5") wide that completely surrounds the window, either with or without a sill beneath the window.
- (L) Window grids, windows with multi-paned sashes, or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows.
- (M) Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane.
- (N) Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers.
- (O) Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar.
- (P) Decorative or "architectural" garage door(s), with or without windows, and including patterning relief at least five-eighths inch (5/8") deep over the door(s) surface, excepting the window area if windows are present.
- (Q) Decorative trellis or trelliswork, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow.

(R) Band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection marking a division in the wall plane and adding architectural interest to a façade or elevation.

(b) Level II (Discretionary) Single-family Architectural Review. Dwellings shall demonstrate consistency with the objectives of the specific standard from which relief is sought as outlined in TDC 73.180(1), in light of the following discretionary guidelines:

(i) All roofs should be pitched or sloping and articulated by use of such elements as dormers, gables, overhangs or eaves, and should have variations in roof pitch, height of roof planes, or roof orientation to create visual interest and avoid monotony in appearance.

(ii) Architectural articulation and other design elements, such as balconies, porches, dormers, bay windows, vertical or horizontal offsets, variations in cladding, or moldings should be used on all sides of the dwelling (except for a side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) to avoid stark unarticulated building façades (elevations), to minimize the scale and visual impact of a continuous flat wall surface, and to create a sense of visual interest for passersby and neighboring property owners.

(iii) The architectural character (i.e., exterior materials, architectural articulation, design elements, etc.) of the front façade (elevation) of the dwelling should be utilized on all sides of the structure to create a unified appearance and to avoid a single block or box appearance.

(iv) New dwellings should be designed and situated on a property in order to create and maintain a visual sense of harmony with surrounding development and should not overwhelm the scale of surrounding development.

(v) The overall architectural design of the dwelling should foster a compatible, positive relationship with the scale and character of the street, and the scale and character of surrounding existing development.

(2) Standards - Multi-family Uses.

The following standards are minimum requirements for multi-family and townhouse development.

(4a) Storage

(a) Except as provided in Subsection (4a)(bii), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

(iA) 24 square feet for studio and one bedroom units;

(iiB) 36 square feet for two bed-room units; and

(iiiC) 48 square feet for greater than two bedroom units.

(bii) For townhouses and residential and mixed use residential developments in the Central Design District, or within the Mixed Use Commercial Overlay District as determined in the Architectural Review process, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.

(2b) Carports and Garages

(ai) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.

(bii) At least one garage space shall be provided for townhouses.

INTRODUCED AND ADOPTED this 12th day of May 2008.

CITY OF TUALATIN, Oregon

BY 
Mayor Pro Tem

ATTEST:

BY 
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.



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AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
Notice of Public Hearing
TT11114

A copy of which is hereto annexed, was published in the entire issue of said newspaper for

1

Successive and consecutive weeks in the following issues
April 10, 2008

Charlotte Allsop
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
April 10, 2008

Robin A. Burgess
NOTARY PUBLIC FOR OREGON
My commission expires

Acct #108462
Stacy Crawford
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Size 2 x 5.5
Amount Due \$99.55
*remit to address above

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, April 28, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider: **PLAN TEXT AMENDMENT (PTA) 06-05 ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS (PTA 06-05)**. Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/F for the rest of the 2040 Design Types in the City's planning area. Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court. Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Cindy Hahn at (503) 691-3029. This meeting and any materials being considered can be made accessible upon request. Publish 4/10/2008. TT11114.

Items not received
☒ Acct number
☒ PO #
☒ Amt approved
☒ Approved by
☒ Date approved



CITY OF TUALATIN
RECEIVED
APR 14 2008

FINANCE

EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

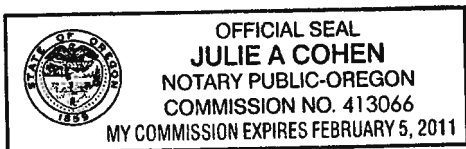
That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 2nd day of April, 2008, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 2nd day of April, 2008.

Stacy Crawford
Stacy Crawford

Subscribed and sworn to before me this 2nd day of April, 2008.



Julie A. Cohen
Notary Public for Oregon
My Commission expires: 2-5-11

RE: PTA-06-05—ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

EXHIBIT B



City of Tualatin

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NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, April 28, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 06-05—ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS (PTA-06-05)

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Cindy Hahn at (503) 691-3029. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on (April 10, 2008).



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Doug Rux, AICP, Community Development Director *[Signature]*
Cindy Hahn, AICP, Assistant Planner *[Signature]*

DATE: April 28, 2008

SUBJECT: ARCHITECTURAL REVIEW STANDARDS FOR DETACHED
SINGLE-FAMILY DWELLINGS (PTA 06-05)

ISSUE BEFORE THE COUNCIL:

City Council consideration of a City-initiated Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC) to add design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts.

RECOMMENDATION:

- The Tualatin Planning Advisory Committee (TPAC) voted 7-0 on March 13, 2008, recommending that the City Council approve PTA-06-05.
- Staff recommends City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-06-05 based on the draft ordinance and proposed text amendment language in Attachment A.
- Staff also recommends City Council direct staff to bring back a Level I and Level II Single-family Architectural Review fee schedule for Council review and adoption by resolution.

EXECUTIVE SUMMARY:

- This matter is a legislative action and City Council will consider the matter in a legislative public hearing.
- This is a Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC).
- In summer 2005, Council directed staff to examine the City's existing single-family dwelling development standards and provide recommendations to address Council's design-related concerns. Council's three primary issues included:

EXHIBIT C

- blank building walls facing neighboring properties or visible from public streets;
- the mass and bulk of houses imposing on neighboring properties or public streets; and
- the imposing height and mass of a house built on a higher elevation grade than neighboring properties or public streets.
- Between summer 2005 and summer 2007, staff worked with the TPAC and Council to develop standards addressing Council's design-related concerns. Council ultimately concluded that blank building walls would be the first issue addressed in a City-initiated Plan Text Amendment (PTA).
- In fall 2007, staff presented a visual survey of single-family development in Tualatin to Council as a tool and point of discussion to further define Council's concerns about blank building walls. Council directed staff to develop a menu of Level I (Clear & Objective) standards, as well as Level II (Discretionary) criteria for single-family dwelling design review. Staff presented the draft standards and criteria to Council at a February 11, 2008 work session and Council directed staff to proceed with TPAC review of the proposed text amendment with the goal of returning to Council in April 2008 for a legislative hearing on PTA-06-05.
- One outstanding issue from the February 11, 2008 work session was that of applicability of the proposed standards with respect to additions to, and remodels and renovations of existing dwellings. Council directed staff to review this with TPAC and incorporate their recommendation in the proposed text amendment. At the March 13, 2008 meeting, TPAC recommended the standards be applied to the following types of single-family construction:
 - a new single-family dwelling
 - an addition or alteration to an existing single-family dwelling when it results in:
 - a 35% or more expansion of the structure's existing footprint or
 - a new second or higher story or
 - a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

TPAC's recommendation has been incorporated into the proposed text amendment language contained in Attachment A.

- The proposed staff version of the PTA language is provided in Attachment A. The Analysis and Findings section of this report is provided in Attachment B.
- The policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 2.02-Introduction; TDC 5.020-Residential Planning Growth; TDC 10.020-Community Design; TDC 31-General Provisions; TDC Chapter 40-Low Density Residential Planning District; TDC Chapter 41-Medium Low Density Residential Planning District; TDC Chapter 73-Community Design Standards. The Analysis and Findings section of this report (Attachment B) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment B) examines the application with respect to the criteria for a PTA.

OUTCOMES OF DECISION:

Approval of the PTA will result in the following:

- Adds design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts by amending the standards in TDC Sections:
 - 31.063 Neighborhood/Developer Meetings.
 - 31.071 General Provisions – Architectural Review Procedure.
 - 33.010 Authorization to Grant or Deny Variances and Minor Variances.
 - 40.140 Low Density Residential Planning District – Community Design Standards.
 - 41.130 Medium Low Density Residential Planning District – Community Design Standards.
 - 73.040 Community Design Standards – Architectural Review Plan Approval Required.
 - 73.170 Community Design Standards – Structure Design – Multi-family Uses.
 - 73.180 Community Design Standards – Objectives.
 - 73.190 Community Design Standards – Standards.
- Addresses Council's concern with blank building walls facing neighboring properties or visible from public streets and promotes functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment within the City of Tualatin.
- Further, the text amendment will:
 - Enhance Tualatin through the creation of attractively designed housing and streetscapes;
 - Encourage originality, flexibility and innovation in structure design;
 - Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures;
 - Provide continuity in design by utilizing architectural materials and style employed on the front façade on the remaining sides of the structure;
 - Discourage monotonous, drab, unsightly, dreary and inharmonious development; and
 - Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of the text amendments.

Denial of the PTA request will result in the following:

- The existing code will remain unchanged with no standards for single-family design.
- Council's concern with blank building walls facing neighboring properties or visible from public streets will not be addressed and functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment within the City of Tualatin will not be encouraged.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for City Council are:

- Approve the proposed PTA with alterations.

- Deny the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Fiscal impacts are anticipated as a result of the proposed PTA. The PTA includes both Level I (Clear and Objective) standards by which ministerial approval may be administratively granted and Level II (Discretionary) criteria by which a property owner may choose to have his/her proposal discretionarily reviewed as a limited land use decision. Attachment C is a flowchart that illustrates the Level I and Level II review processes.

- Impact on staff resources of review under Level I (Clear and Objective) standards includes the following:
 - Process: Applicant submits application for Level I Single-family Architectural Review to Community Development Department, where current planning staff review the proposal for compliance with Level I standards (see Attachment C). After Level I approval, applicant submits application for Building Permit, with Level I approval attached, to Engineering & Building Department for review, processing and approval.
 - Fiscal Impact: For each application, it is anticipated that Level I review will require approximately 0.5 hour of current planning staff time, and routing and records-keeping activities will require approximately 0.5 hour of office coordination staff time.

| Direct ₁ | Minimum Hours | Cost |
|--------------------------|---------------|------------------------|
| Associate Planner | 0.5 | \$22.92 |
| Assistant Planner | 0.5 | \$18.60 |
| Office Coordinator | 0.5 | \$17.25 |
| Indirect ₂ | --- | |
| Indirect Cost Allocation | | \$14.00 |
| Total (range) | | \$49.82 - 54.17 |

1. Cost for staff time is calculated as salary plus benefits (*City of Tualatin Adopted Budget 2007-2008*).

2. Cost for space, technology, telecommunications, utilities, etc. (*Fiscal Year 2007-2008*).

- City Council must consider whether to adopt a new Level I review fee to recover all, or a portion of, the cost of approximately 1.0 hour of additional staff time per application. Staff recommends a flat fee of \$50 for Level I Single-family Architectural Review.
- Impact on staff resources of review under Level II (Discretionary) criteria includes the following:
 - Process: If the application does not meet Level I standards or the applicant chooses to have the application reviewed under Level II Single-family Architectural Review criteria, the applicant submits required information to Community Development Department (see Attachment C). Application is handled pursuant to City's limited land use review procedures, including notice of application to surrounding property owners, reviewing comments,

issuing a notice of decision, and providing an appeal period. Following Level II approval, applicant submits application for Building Permit, with Level II approval attached, to Engineering & Building Department for review, processing and approval.

- o Fiscal Impact: For each application, it is anticipated that the Level II application process will be nearly identical to the process already in place for commercial Architectural Review (AR) applications. The application fee structure currently in place for multi-family and commercial Architectural Review is:

| | |
|-----------------------------|------------|
| Project Value Under \$5,000 | \$100.00 |
| \$5,000-\$24,999.99 | \$470.00 |
| \$25,000-\$99,999.99 | \$850.00 |
| \$100,000-\$499,999.99 | \$1,415.00 |
| \$500,000 and greater | \$2,070.00 |

- o The City Council must consider whether to use this existing fee structure to recover a portion of the cost of processing Level II Single-family AR applications, or whether to adopt a new Level II review fee to recover all, or a portion of, the cost of a Level II review. Staff recommends a flat rate fee of \$700 for Level II Single-family Architectural Review.

PUBLIC INVOLVEMENT:

The Community Development Department hosted a public open house on Wednesday, November 15, 2006. The open house was advertised in the November City of Tualatin newsletter, the November Chamber of Commerce newsletter, in the Tualatin Times Calendar of Events, on the City's website, and announced at the November 13, 2006 City Council meeting. A summary of open house comments is contained in Attachment D.

During 2007, work continued on the single-family design standards. Members of the construction industry were consulted and attended TPAC meetings in an advisory capacity as needed.

On March 7, 2008, staff met with the following members of the construction industry to discuss the proposed single-family design standards and to solicit their comments:

- Ernie Platt, Director of Local Government Affairs, Home Builders Association of Metropolitan Portland
- Ken Gertz, President, Gertz Fine Homes
- Steven Lucas, Design Department Manager, Legend Homes.

Both Ken Gertz and Steven Lucas also attended the March 13, 2008 TPAC meeting to provide comment and an industry perspective to the discussion on the proposed text amendment language. Attachment E is a staff memorandum to TPAC (dated March 11, 2008) that contains suggested revisions to the draft text amendment language based on discussion at the March 7, 2008 meeting, which was used at the March 13, 2008 TPAC meeting as a basis for review of the proposed standards.

- Attachments:**
- A. Draft Ordinance and Proposed Text Amendment Language
 - B. Analysis and Findings
 - C. Single-family Architectural Review Flowchart
 - D. Summary of Open House Comments
 - E. Staff Memorandum to TPAC Dated March 11, 2008

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ORDINANCE NO. _____

AN ORDINANCE CREATING ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS; AMENDING TDC 31.063, 31.071, 33.010, 40.140, 41.130, 73.040, 73.170, 73.180, AND 73.190 (PTA-06-05).

WHEREAS in the summer of 2005 the City Council directed staff to examine the City's existing single-family dwelling development standards and to provide recommendations to address Council's design-related concerns; and

WHEREAS the City Council considered a City-initiated Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC) to add design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on April 10, 2008, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 28, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of [], with _____; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes, enters, and adopts as its Findings of Fact the findings and analysis in the staff report dated April 28, 2008, marked as "Exhibit C," attached and incorporated by this reference; and,

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interests of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

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THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.063 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 31.063 Neighborhood/Developer Meetings

(1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, ***except Level I (Clear and Objective) Single-family Architectural Review***; Conditional Uses; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; and Variances, except for variances to existing single family residences.

(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.

(4) The applicant shall mail notice of the meeting:

- (a) at least 14 days and no more than 28 days prior to the meeting;
- (b) to owners of properties within 300 feet of the subject property, any City-recognized Neighborhood Associations under TDC 31.065 whose boundaries are within 300 feet of the subject property, and to the Community Development Director and City Engineer of Tualatin; and
- (c) that states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.

(5) Failure of a property owner to receive notice shall not invalidate the Neighborhood/Developer Meeting proceedings.

(6) The applicant shall post notice of the meeting by posting a waterproof sign on the subject property at least 14 days before the meeting. This sign shall be supplied by the applicant.

(7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.

(8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.

(10) The application shall include the following materials related to the Neighborhood/Developer meeting:

- (a) the mailing list for the notice;
- (b) a copy of the notice;

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- (c) an affidavit of the mailing and posting;
- (d) the original sign-in sheet of participants;
- (e) the meeting notes described in TDC 31.063(7).

(11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

Section 2. TDC 31.071 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 31.071 Architectural Review Procedure.

(1) An applicant for a building or other permit subject to architectural review, ***except Level I (Clear and Objective) Single-family Architectural Review***, shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC 73.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. ***An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7).*** Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from the Unified Sewerage Agency indicating a "Stormwater Connection Permit" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the

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location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

(j) A landscape plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.

(k) Architectural drawings or sketches, drawn at a scale of 1/16":1', 1/8":1' or 1/4":1', including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Building perspectives may also be needed.

(l) Specifications as to type, color and texture of exterior surfaces of proposed structures.

(m) A public utility facilities plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location, size and grade of all existing and proposed utility facilities, including but not limited to sanitary and storm sewers; water lines and fire hydrants; streets and sidewalks; water quality swales, traffic study information as required by the City Engineer pursuant to TDC 74.440 and other utility facilities as required by the City Engineer. A grading plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the City Engineer.

(n) Developments in the Central Design District shall provide the Neighborhood Meeting notes and evidence of the notice and posting required in TDC 31.071(5) and shall provide narrative statements considering each of the Design Guidelines in TDC 73.610.

(o) A completed City fact sheet on the project.

(p) An 8½" x 11" black and white site plan suitable for reproduction.

(q) A letter from the franchise solid waste and recycling hauler reviewing the proposed solid waste and recyclables method and facility.

(r) A Clean Water Services Service Provider Letter or Pre-screen for the proposed development.

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(s) An acoustical engineer's report as required by the Community Development Director.

(t) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(u) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(2) The applicant shall submit a verified statement showing that a sign has been posted on the property in a conspicuous location which indicates that a development proposal has been submitted to the City and the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location and maintenance shall be determined by the Community Development Director with the objective of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.

(3) For purposes of identifying property owners to receive notification of decisions and hearings, if any, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of the completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered.

(4) For an application to be approved, it shall first be established by the applicant that the proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations. For Expedited Architectural Review Plan Applications the application shall describe the manner in which the proposal complies with each of the expedited criterion for an Expedited Application. Failure to conform is sufficient reason to deny the application.

(5) The purpose of the Neighborhood Meeting in TDC 31.071(1) is to provide a means for the applicant and surrounding neighbors to meet to review a development proposal and identify issues regarding the proposal so they can be addressed prior to the application submittal. The Neighborhood Meeting shall be held in the Central Design District and the meeting shall be held on a weekday evening, or weekend at a reasonable time. The applicant shall mail notice of the meeting at least 14 days prior to the meeting to owners of properties within 300 feet of the subject property. The applicant shall post notice of the meeting by posting a sign on the subject property at least 14 days before the meeting. The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and submit them with the application. The

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applicant shall hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(6) The Community Development Director may require information in addition to that stated in this section.

(7) An applicant for a new Single-family dwelling or an addition or alteration to an existing Single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to this section. An application for Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level I (Clear and Objective) Single-family Architectural Review application:

- (i) A completed City fact sheet;**
- (ii) The names, addresses, and telephone numbers of the property owners and applicants;**
- (iii) The signatures of the property owners and applicants;**
- (iv) The site address and the assessor's map number and tax lot number;**
- (v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and**
- (vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.**

(b) Level II (Discretionary) Single-family Architectural Review application:

- (i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);**
- (ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;**
- (iii) A narrative statement that describes the manner in which the proposed development meets each of the approval criteria set forth in TDC 73.190;**
- (iv) Neighborhood/Developer Meeting information specified in TDC 31.063(10);**

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(v) A verified statement showing that required signage, as described in TDC 31.071(2), has been posted on the property in a conspicuous location; and

(vi) Current notification information for all owners of properties within 300 feet of subject property as specified in TDC 73.071(3).

Section 3. TDC 33.010 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 33.010 Authorization to Grant or Deny Variances and Minor Variances.

(1) Variances may be granted under the requirements of the TDC as follows when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship:

(a) The City Council may grant variances, including variances that are part of a Subdivision, or a Partition Application. The City Council may grant minor variances in conjunction with a Subdivision, Partition or Property Line Adjustment that the City Engineer, without reaching a decision on the application, has forwarded to the City Council for review, or that has been appealed to the City Council.

(b) The City Engineer may grant minor variances when they are part of a Subdivision, Partition or Property Line Adjustment Application.

(c) The Planning Director may grant minor variances that are not part of a Subdivision, Partition or Property Line Adjustment Application.

(2) Variances may be requested to the TDC Chapters 40-69 and 71-73 and the Sign Standards, TDC 38.100, 38.110, 38.120 and 38.140-38.240, ***except that variances to the Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73.190(1)(a) shall be prohibited.*** Variances to the requirements of TDC Chapter 70, Floodplain District, shall be in accordance with TDC 70.160.

(3) Minor variances may be requested to the lot area, lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses in the Residential Low Density Planning District (RL) and single family dwellings in Small Lot Subdivisions in the RL and Residential Medium to Low Density Planning District (RML). Minor variances may not be requested, nor approved, for more than 10% of the lot area and for no more than 20% of the lot width, building coverage, setback, projections into required yards, structure height, and the small lot location standards in TDC 40.055(3).

(4) Minor variances shall not be requested, nor shall they be approved, to the regulations in TDC Chapter 38, Sign Regulations.

(5) Variances and minor variances shall not be requested, nor shall they be approved, to allow a use of land that is not allowed in a planning district.

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Section 4. TDC 40.140 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in *Bold Italic***):**

Section 40.140 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) Development of the following is subject to the provisions set forth in TDC 40.140(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 40.140(1)(b) is proposed, TDC 40.140(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 40.140(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

(v) Development unable to meet one or more of the standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

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(iii) ***A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).***

(3) ***Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.***

Section 5. TDC 41.130 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 41.130 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) ***Development of the following is subject to the provisions set forth in TDC 41.130(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:***

(a) ***A new single-family dwelling.***

(b) ***An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).***

(i) ***Where a single-family dwelling addition or alteration described in TDC 41.130(1)(b) is proposed, TDC 41.130(2) applies only to the portion of the structure being altered or added.***

(2) ***No building permits shall be issued for development described in TDC 41.130(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:***

(a) ***LEVEL I – Clear and Objective Single-family Architectural Review.***

(i) ***A Level I Single-family Architectural Review decision is a ministerial decision.***

(ii) ***Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).***

(iii) ***Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.***

(iv) ***Variances to standards set forth in TDC 73.190(1)(a) are prohibited.***

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(v) *Development unable to meet one or more of the standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.*

(b) **LEVEL II – Discretionary Single-family Architectural Review.**

(i) *Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.*

(ii) *Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).*

(iii) *A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).*

(3) *Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.*

Section 6. TDC 73.040 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.040 Architectural Review Plan Approval Required.

(1) ~~Except for single-family dwellings and the creation of an accessory dwelling unit that does not increase the gross floor area of the single-family dwelling~~ ***an addition or alteration to an existing single-family dwelling when it results in less than a 35% expansion of the structure's existing footprint or less than a 35% alteration of an existing wall plane or only affects the wall plane of the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, as permitted by these standards, no new building, condominium, townhouse, accessory dwelling unit that increases the gross floor area of the single-family dwelling, addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), manufactured dwelling park, small-lot subdivision, landscape improvement (excluding greenways, parks and other Parks and Recreation Department road side improvements), parking lot improvement or expansion, above ground public utility facility (sewer or water pump stations, pressure reading stations and water reservoir), electrical substation, above ground natural***

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gas pumping station, installation of decorative lighting (e.g. neon), exterior painting, awnings, murals, wireless communication facility, attached wireless communication facility or exterior major remodeling shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable **standards or** criteria.

(2) No new single-family dwelling or addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), as permitted by these standards, shall occur until the architectural review application under TDC 31.071(7) has been reviewed and approved by the Community Development Director or their designee for conformity with the applicable standards or criteria.

(23) Construction, site development and landscaping shall be carried out in substantial accord with the approved architectural review plan **or application**. Review of the proposed architectural review plan **or application** and any changes thereto shall be conducted in accordance with Chapter 31.

Section 7. TDC 73.170 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.170 Structure Design – Single-family and Multi-family Uses.

(1) Purpose – Single-family Uses.

The purpose of single-family building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features.

(2) Purpose – Multi-family Uses.

The purpose of multi-family, including townhouse, building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2) . The objectives and standards are intended to promote functional, safe, innovative and attractive buildings which are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, colors, placement of elements such as windows, doors, mechanical equipment and identification features.

Section 8. TDC 73.180 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

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Section 73.180 Objectives – Single-family and Multi-family Uses.

(1) Objectives – Single-family Uses.

All new single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. Development subject to Level I (Clear and Objective) Single-family Architectural Review approval may be permitted to vary from one or more of the clear and objective standards set forth in TDC 73.190(1)(a), provided that the Level II (Discretionary) approval criteria set forth in TDC 73.190(1)(b) are considered. New single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), shall be designed, to the maximum extent practicable, to:

(a) Enhance Tualatin through the creation of attractively designed housing and streetscapes.

(b) Encourage originality, flexibility and innovation in structure design.

(c) Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures.

(d) Provide continuity in design by utilizing architectural materials and style employed on the front façade (elevation) on the remaining sides of the structure.

(e) Discourage monotonous, drab, unsightly, dreary and inharmonious development.

(f) Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of TDC 73.170(1).

(2) Objectives – Multi-family Uses.

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. Buildings shall be designed, to the maximum extent practicable, to:

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(4a) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors.

(2b) Enhance energy efficiency through the use of landscape and architectural elements, such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.

(3c) Create subclusters and stagger unit alignments.

(4d) Utilize functional building elements such as carports and garages, balconies, entry areas and sun screens where possible to accomplish unit identity, pride of place and visual diversity.

(5e) Give consideration to organization, design and placement of windows as viewed on each elevation. The system may be a variation on a theme or consistent symmetry and must operate in concert with the provision of adequate interior privacy, safety, daylight and ventilation.

(6f) Select building materials which contribute to the project's identity, form and function, as well as to the existing site and surrounding natural landscape and development.

(7g) Select colors in consideration of lighting conditions under which the structure is viewed, the ability of the material to absorb, reflect or transmit light, and the color's functional role (whether to blend into the environment, express a particular character, discriminate materials, define form and volume or simply as an identification feature such as with color coding).

(8h) Minimize disruption of natural site features such as topography, trees and water features.

Section 9. TDC 73.190 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.190 Standards – Single-family and Multi-family Uses.

(1) Standards - Single-family Uses.

Except for the side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, the standards in this section shall apply to all sides of a new single-family dwelling or to an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane. The wall plane shall be defined as all vertical surfaces on one side of a dwelling including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas. Garage door windows may be counted toward the required window coverage percentage in TDC 73.190(1)(a). Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three feet (3') and into a required side yard not more than two feet (2'), or into the required open space as established by

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coverage standards in TDC Chapter 40 Low Density Residential Planning District (RL) or Chapter 41 Medium Low Density Residential Planning District (RML).

(a) Level I (Clear and Objective) Single-family Architectural Review. Dwellings shall:

(i) On the front façade (elevation), provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least three (3) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least five (5) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the front façade (elevation) may be reduced in two percent (2%) increments to not less than eight percent (8%) of the wall plane for each additional Residential Wall Design Element provided.

(ii) On each side elevation, except for a side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, provide windows that occupy at least eight percent (8%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on each side elevation may be reduced by two percent (2%) to not less than six percent (6%) of the wall plane if one (1) additional Residential Wall Design Element is provided on the same side elevation as that on which the reduction is made.

(iii) On the rear elevation, provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the rear elevation may be reduced by two percent (2%) to not less than ten percent (10%) of the wall plane if one (1) additional Residential Wall Design Element is provided.

(iv) Residential Roof Design Elements.

(A) Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, vent, or decorative element.

(B) Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle.

(C) Roof eave of at least twelve inches (12").

(D) Roof overhang (bargeboard or verge board) of at least six inches (6") measured outward from the face of the dwelling wall or wall plane.

(E) Window, decorative vent, door, decorated

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verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends.

(F) Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.

(v) Residential Wall Design Elements.

(A) Recessed entry – front façade only.

(B) Portico – front façade only. A roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure.

(C) Covered porch at least thirty-six square feet (36 sq. ft.) in area and at least four feet (4') deep.

(D) Balcony, which projects from the wall plane and is enclosed by a railing or parapet (low protective wall).

(E) Vertical offsets, at least two (2), either projecting or recessed, and at least six inches (6") deep and a minimum of four feet (4') long.

(F) Horizontal offset, either projecting or recessed, at least twelve inches (12") deep.

(G) Bay window, box window, or box bay, which projects at least twelve inches (12") outward from the wall plane and forms a bay, alcove, or window seat in an interior room of the dwelling.

(H) Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling.

(I) Exterior chimney of brick, stone, composite masonry or similar materials.

(J) Engaged tower, either square, rectangular, circular or polygonal in form.

(K) Window trim or surround (casing) at least three and one-half inches (3.5") wide that completely surrounds the window, either with or without a sill beneath the window.

(L) Window grids, windows with multi-paned sashes, or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows.

(M) Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane.

(N) Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers.

(O) Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar.

(P) Decorative or "architectural" garage door(s),

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with or without windows, and including patterning relief at least five-eighths inch (5/8") deep over the door(s) surface, excepting the window area if windows are present.

(Q) Decorative trellis or trelliswork, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow.

(R) Band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection marking a division in the wall plane and adding architectural interest to a façade or elevation.

(b) Level II (Discretionary) Single-family Architectural Review. Dwellings shall demonstrate consistency with the objectives of the specific standard from which relief is sought as outlined in TDC 73.180(1), in light of the following discretionary guidelines:

(i) All roofs should be pitched or sloping and articulated by use of such elements as dormers, gables, overhangs or eaves, and should have variations in roof pitch, height of roof planes, or roof orientation to create visual interest and avoid monotony in appearance.

(ii) Architectural articulation and other design elements, such as balconies, porches, dormers, bay windows, vertical or horizontal offsets, variations in cladding, or moldings should be used on all sides of the dwelling (except for a side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) to avoid stark unarticulated building façades (elevations), to minimize the scale and visual impact of a continuous flat wall surface, and to create a sense of visual interest for passersby and neighboring property owners.

(iii) The architectural character (i.e., exterior materials, architectural articulation, design elements, etc.) of the front façade (elevation) of the dwelling should be utilized on all sides of the structure to create a unified appearance and to avoid a single block or box appearance.

(iv) New dwellings should be designed and situated on a property in order to create and maintain a visual sense of harmony with surrounding development and should not overwhelm the scale of surrounding development.

(v) The overall architectural design of the dwelling should foster a compatible, positive relationship with the scale and character of the street, and the scale and character of surrounding existing development.

(2) Standards - Multi-family Uses.

The following standards are minimum requirements for multi-family and townhouse development.

(4a) Storage

(a) Except as provided in Subsection (4a)(bii), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages

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are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

- (iA) 24 square feet for studio and one bedroom units;
- (iiB) 36 square feet for two bed-room units; and
- (iiiC) 48 square feet for greater than two bedroom units.

(bif) For townhouses and residential and mixed use residential developments in the Central Design District, or within the Mixed Use Commercial Overlay District as determined in the Architectural Review process, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.

(2b) Carports and Garages

(ai) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.

(bif) At least one garage space shall be provided for townhouses.

INTRODUCED AND ADOPTED this _____ day of _____ 2008.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder

ATTACHMENT B

PTA-06-05: ANALYSIS AND FINDINGS

The eight (8) approval criteria of Section 1.032-Burden of Proof of the Tualatin Development Code (TDC) must be met if the proposed Plan Text Amendment (PTA) is to be granted.

1. Granting the amendment is in the public interest.

The City Council's #1 Goal for Tualatin is: **Enhance sense of place and City beautification.** In addition, the **Community Vision and Strategic Action Plan, Strategy GHT 18, Urban Design Standards** states the following: **Develop enhanced, flexible standards to promote ongoing community attractiveness in Tualatin and a cohesive urban design.**

The **purpose** of the proposed single-family dwelling design standards is to **promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment.** This concerns the building form including the articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features.

The **objectives** of the proposed standards include:

- a. Enhance Tualatin through the creation of attractively designed housing and streetscapes;**
- b. Encourage originality, flexibility and innovation in structure design;**
- c. Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures;**
- d. Provide continuity in design by utilizing architectural materials and style employed on the front façade (elevation) on the remaining sides of the structure;**
- e. Discourage monotonous, drab, unsightly, dreary and inharmonious development; and**
- f. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of the text amendments.**

The public interest is best protected by granting the proposed text amendment, because the amendment serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for

good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation.

Criterion 1 is met.

2. The public interest is best protected by granting the amendment at this time.

Single-family development is occurring in the City of Tualatin, both as new construction on previously vacant property and/or newly annexed property and as redevelopment on previously developed residential land that has been partitioned or subdivided. Some remodels and additions to existing single-family dwellings also occur. In the future, land within the Urban Growth Boundary (UGB) that has not yet been annexed to the City, such as between the southern City limit and the City of Wilsonville, will be available for single-family residential development and redevelopment.

If adopted at this time, the proposed PTA-06-05 will ensure that all new single-family dwelling construction, as well as additions or alterations that add 35% or more to the footprint of the dwelling, add a second or higher story, or result in a 35% or more alteration of an existing wall plane will be required to comply with the proposed design standards. As discussed above, such compliance serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation.

Criterion 2 is met.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

TDC 2.020 Introduction. Purpose. The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth. ...The Plan is also intended to provide for diverse living and working environments of the highest quality. The proposed text amendment serves to guide the physical development of the City by providing design standards for single-family dwelling construction in the RL and RML Planning Districts that enhance Tualatin through the creation of attractively designed housing and streetscapes. The proposed standards also provide for diverse living environments of the highest quality by

encouraging originality, flexibility and innovation in dwelling design while discouraging monotonous, drab, unsightly, dreary and inharmonious development.

TDC 5.020 Residential Planning Growth. Assumptions. (1) Provide for the housing needs of existing and future City residents. (2) Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock. The proposed text amendment does not affect the amount of single-family residential housing that currently exists or that will be constructed in Tualatin in the future. Rather the amendment affects the quality of construction and physical appearance of dwellings. The overall purpose of the standards is to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment, thus the proposed amendment directly addresses the desire to provide housing opportunities that are aesthetically and functionally compatible with the existing community housing stock.

TDC 10.020 Community Design. Design Objectives. (1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development. Two objectives of the proposed text amendment are to enhance Tualatin through the creation of attractively designed housing and streetscapes and to encourage originality, flexibility and innovation in structure design in single-family dwellings in the RL and RML Planning Districts.

(2) Discourage monotonous, drab, unsightly, dreary and inharmonious development. Two objectives of the proposed text amendment are to avoid stark unarticulated building facades and encourage sufficient relief in facades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures; and to discourage monotonous, drab, unsightly, dreary and inharmonious development in single-family dwellings in the RL and RML Planning Districts.

(3) Promote the City's natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements. The purpose of the proposed single-family dwelling design standards is to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment. Further, the proposed text amendment is intended to enhance Tualatin through the creation of attractively designed housing and streetscapes and to provide continuity in design and guidelines for good design at reasonable costs and with multiple options while encouraging originality, flexibility and innovation.

(5) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues. (6) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services. (8) Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment; and thus promote and protect the peace, health and welfare of the City. The purpose of the proposed text amendment is to promote functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment in the RL and RML Planning Districts. Further, an objective of the amendment is to enhance Tualatin through the creation of attractively designed housing and streetscapes. The design standards are expected to help stabilize and improve property values, prevent blight, achieve the beneficial influence of pleasant environments for living on behavioral patterns, and sustain the comfort, health, tranquility and contentment of residents while attracting new residents by reason of the City's favorable environment. Thus the peace, health, and welfare of the City will be promoted and protected.

Criterion 3 is met.

4. The factors listed in Section 1.032(4) were consciously considered.

The various characteristics of the areas in the City:

As discussed earlier in this document, single-family development is occurring in the City of Tualatin, both as new construction on previously vacant property and/or newly annexed property and as redevelopment on previously developed residential land that has been partitioned or subdivided. Some remodels and additions to existing single-family dwellings also occur. In the future, land within the Urban Growth Boundary (UGB) that has not yet been annexed to the City, such as between the southern City limit and the City of Wilsonville, will be available for single-family residential development and redevelopment.

As new single-family development has occurred, the focus of design has been on the front façade of the structure with little to no attention given to the articulation or architectural features of the remaining walls of the dwelling, even when the dwelling is located on a corner lot, or the side or back of the dwelling faces an arterial or collector street and is visible to public from the right-of-way or sidewalk. The result is blank, unarticulated, uninteresting walls that detract from the streetscape and the overall attractiveness and beauty of the City. One noted example is single-family dwellings that back to SW Borland Road. The purpose of the proposed text amendment is to avoid this type of single-family development in the future by encouraging attractive, innovative, original and flexible design.

The suitability of the areas for particular land uses and improvements in the areas:

The proposed text amendment applies to single-family residential dwellings in the RL and RML Planning Districts.

Trends in land improvement and development:

Trends in land improvement and development are discussed above under "various characteristics of the areas in the City".

Property values:

As discussed earlier in this document, the purpose of the proposed text amendment is to promote functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment in the RL and RML Planning Districts. Further, an objective of the amendment is to enhance Tualatin through the creation of attractively designed housing and streetscapes. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation. The design standards are expected to help stabilize and improve property values and prevent blight.

The needs of economic enterprises and the future development of the area:

There is no evidence that the proposed amendment hinders any property owners' ability to conduct an economic enterprise, nor is there any evidence that the proposed amendment hinders future development of any areas.

Needed right-of-way and access for and to particular sites in the area:

There is no evidence that the proposed amendment will affect needed right-of-way and access for and to particular sites in the area.

Natural resources of the City and the protection and conservation of said resources:

There is no evidence that the proposed amendment will affect natural resources of the City or the protection and conservation of said resources.

Prospective requirements for the development of natural resources in the City:

There is no evidence that the proposed amendment will affect prospective requirements for the development of natural resources in the City.

The public need for healthful, safe, aesthetic surroundings and conditions:

As discussed earlier in this document, the public interest is best protected by granting the proposed text amendment, because the amendment serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation.

Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider:

This factor is not relevant to consideration of the proposed amendment.

The factors listed in Section 1.032(4) were consciously considered.

Criterion 4 is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.

School facility capacity is affected when additional students are added to the Tigard-Tualatin School District. The proposed amendment will have no impact on student population or on school facility capacity.

Criterion 5 is met.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 14 Statewide Goals, 11 Goals were considered and found to not be applicable to the proposed amendment. Staff has determined that Goals 1, 2, and 10 are applicable and must be addressed.

Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The general public, through Tualatin's local program of citizen involvement, including public Tualatin Planning Advisory Committee (TPAC) meetings, has the opportunity to participate in the development and adoption of legislation needed to carry out the Tualatin Community Plan objectives. The proposed PTA-06-05 includes two complimentary sets of code standards: Level I (Clear and Objective) standards and Level II (Discretionary) criteria. The proposed amendment provides that Level II discretionary review be carried out as a limited land use process that includes citizen involvement. The proposed amendment is consistent with Statewide Planning Goal 1.

Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed amendment to the TDC is found to be internally consistent with the remainder of the elements of the TDC, with the METRO Urban Growth Management Functional Plan, and without exception to the Oregon Statewide Planning Goals. The proposed amendment is consistent with Statewide Planning Goal 2.

Goal 10: To provide for the housing needs of citizens of the state.

As discussed earlier in this document, the public interest is best protected by granting the proposed text amendment, because the amendment serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation. The proposed amendment is therefore in conformance with the intent of Goal 10, which is to provide for the housing needs of citizens of the state.

The proposed amendment is consistent with the applicable Statewide Planning Goals and applicable Oregon Administrative Rules.

Criterion 6 is met.

7. Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The proposed PTA-06-05 amends the Tualatin Development Code (TDC) to add Level I (Clear and Objective) Design Standards and Level II (Discretionary) Design Criteria and a process for Single-Family Architectural Review for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts (PTA 06-05). The proposed amendment does not affect the amount of land dedicated to particular uses, nor does it change the existing designation of land within the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation. Granting the amendment is consistent with the Metropolitan Service District's (METRO) Urban Growth Management Functional Plan.

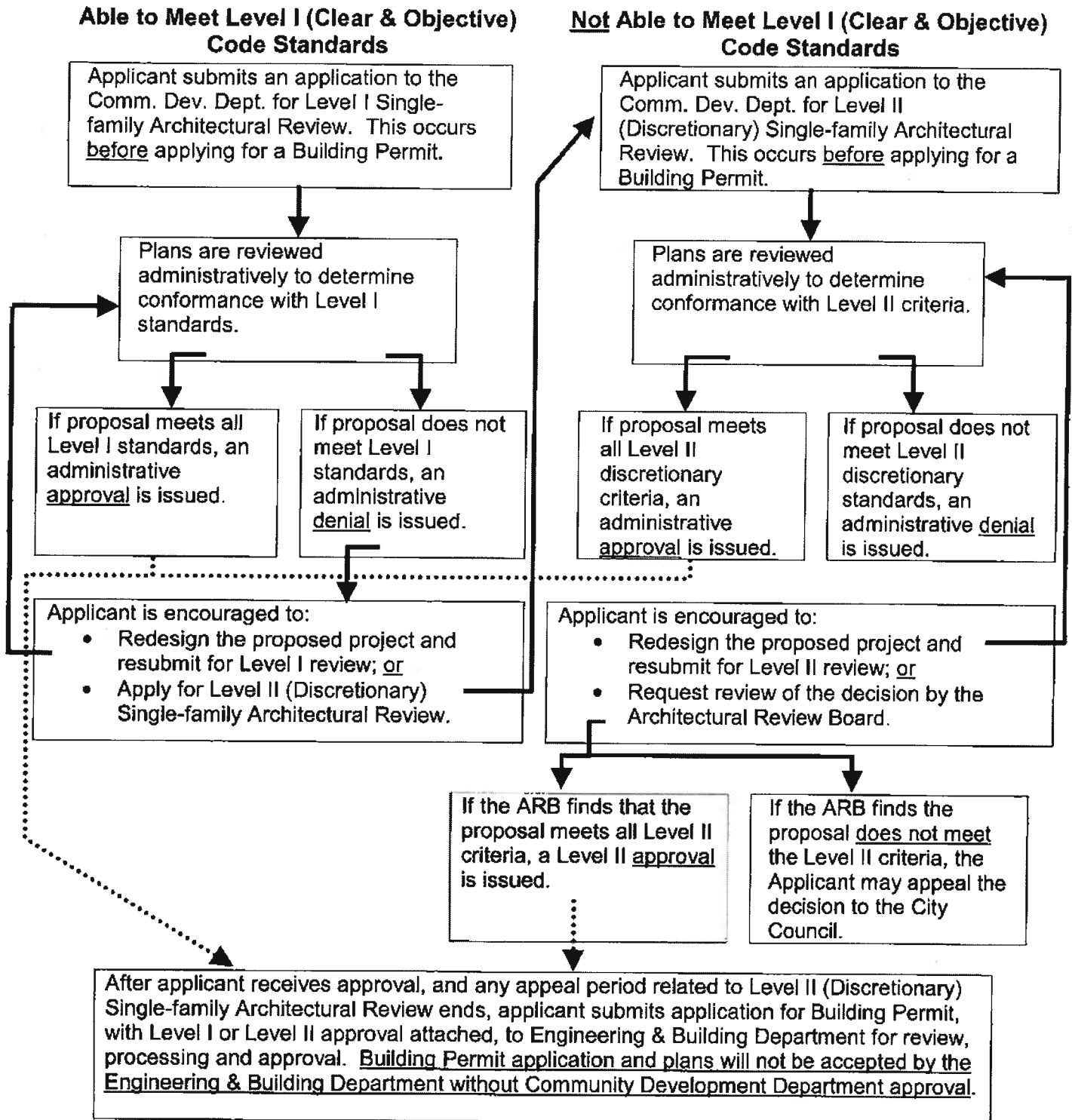
Criterion 7 is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

The proposed amendment will not result in any development, will not change any land use designations, and will not alter the carrying capacity or number of vehicle trips for transportation facilities. Therefore, the proposed amendment will have no impact on transportation facility capacity.

ATTACHMENT C

SINGLE-FAMILY ARCHITECTURAL REVIEW FLOWCHART



ATTACHMENT D

PTA 06-05: SUMMARY OF OPEN HOUSE COMMENTS

Six people attended the November 2006 Open House on residential fence standards and single-family dwelling standards. Five people stayed for the discussion and PowerPoint presentation. Attendees were asked to complete an opinion survey concerning various issues surrounding development of fence standards and single-family dwelling standards. Five surveys were returned to staff following the open house, with the following results related to single-family dwelling standards:

Q. Imagine that a new house is being constructed next door to you, or a new subdivision is being built across the street from you. What are your opinions concerning construction of new homes in Tualatin? (mark all that you agree with)

☒ *4 The height of a new house should be controlled, and/or setbacks should be changed, so that it doesn't tower over, and is compatible with, surrounding existing homes.*

☐ *I have no concerns with the height of new houses.*

☒ *5 The scale of a new house should be controlled, and/or setbacks should be changed, so that it does not look overly bulky compared to surrounding existing homes.*

☐ *I have no concerns with the mass/scale of new houses.*

☒ *4 Architectural features and articulation on a new house should be controlled so that it doesn't look too plain and box-like, or too ornate and elaborate.*

Write-In Responses:

One respondent qualified his response by saying "somewhat" controlled. Another respondent qualified his response by saying controlled "thru CC&R documents".

☒ *1 I have no concerns with the style and articulation of new houses.*

☒ *1 The amount of windows on a new house should be controlled to avoid large expanses of blank wall space.*

☒ *2 I don't want my neighbor's windows looking directly into my windows.*

Write-In Responses:

One respondent said this is "almost impossible for new homes in Tualatin with current lot sizes".

☒ *1 I have no concerns with the amount or placement of windows in new houses.*

☒ *3 The amount of concrete/pavement in front yards should be controlled so that front yards are not allowed to be completely or substantially paved over.*

☒ *1 I have no concerns with the amount of pavement allowed in front yards.*

☐ *The number, size, and placement of garage doors facing the street on a new house should be controlled, so that the front of the house doesn't look too utilitarian and fortress-like.*

- 2 I have no concerns with the number, size, and placement of garage doors.
- 1 The height of fences allowed in the front yard of new houses should be controlled so that the house looks less compound-like and appears more connected with the neighborhood.
- 1 I have no concerns with the height of fences allowed in front yards.
- 4 Above-ground swimming pools over a certain height should be visually screened by fence or vegetative hedge, so that the pool is not visually intrusive on neighbors.
- I have no concerns with unscreened above-ground swimming pools in neighboring yards.

Do you have any other comments concerning construction of new homes?

"Concern is for cost of homes in general. The UGB needs to be expanded to allow for larger lot sizes which would solve many of these concerns."

"Tiny lots cause more neighborhood problems."

- Q. I think that new houses should be designed with roof heights, roof pitches, wall heights, wall articulation, and setbacks that are more consistent with existing neighboring homes. (check one)**

 Strongly Agree 3 Agree Disagree Strongly Disagree 1 No Opinion

- Q. I think the following types of projects should be required to meet regulations to control roof heights, roof pitches, wall heights, wall articulation, and setbacks that are consistent with existing neighboring homes. (mark all that you agree with)**

3 New one-story homes. 3 New two-story & taller homes.

3 Second-story additions to existing homes. 3 All additions to existing homes.

1 No one who remodels/builds a house should have to meet these kind of regulations to be consistent with existing neighboring homes.

- Q. I think that a property owner should be required to hold a neighborhood meeting with surrounding property owners before he/she can submit an application to the City for the following type of construction. (mark all that you agree with)**

2 New one-story homes. 2 New two-story & taller homes.

2 Second-story additions to existing homes. 2 All additions to existing homes.

3 No one who remodels/builds a house should have to hold a meeting with the neighborhood.

Q. I have the following opinion concerning construction cost increases which might potentially be incurred by property owners who want to build a house under new regulations to better control design issues. (check one)

☒ *I think the benefit gained by the community in having new single-family homes that are more consistent with existing neighboring homes outweighs any potential cost increase incurred by homebuilder.*

☐ *I think existing regulations are just fine and increased design regulations will be too burdensome on homebuilders.*

Write-In Response:

One respondent said that he is somewhere between these two considerations.

☐ *I think there should be no regulations at all and a property owner should be able to build whatever size or style of house they want, regardless of impact on neighbors.*

12. Tell us who you are. (mark all that apply)

☒ *Long-Time Resident (5+ years)* ☒ *Newer Resident (1-4 years)*

☒ *Tualatin Home Owner* ☒ *Tualatin Business Owner* ☐ *Chamber Member*

☐ *Interested Architect / Engineer* ☐ *Interested Contractor / Homebuilder*

13. How did you hear about the Open House? (mark all that apply)

☐ *Times Newspaper* ☒ *City Newsletter* ☐ *Chamber of Commerce Newsletter*

☒ *City Website* ☐ *Council Meeting* ☐ *Word of Mouth*

14. Please provide any additional comments (use back of page if you need additional space).

"The restrictions on design, etc should be primarily the responsibility of the CC&R's developed by the subdivider. The homebuyer can base his decision to purchase or not purchase based upon his review of the CC&R's. I am not a proponent of the UGB."

TUALATIN PLANNING ADVISORY COMMITTEE MEETING

March 13, 2008 @ 7:00 p.m.

Council Chambers – 18880 SW Martinazzi Avenue

PTA-06-05 – AMEND THE TUALATIN DEVELOPMENT CODE (TDC) TO ADD CRITERIA AND A PROCESS FOR SINGLE-FAMILY ARCHITECTURAL REVIEW FOR DETACHED SINGLE-FAMILY DWELLINGS (PTA 06-05)

Suggested revisions to Proposed Text Amendment Language contained in Attachment A of the March 13, 2008 Staff Report. These revisions were prepared after meeting on March 7, 2008, with the following members of the construction industry:

Ernie Platt
Director of Local Government Affairs
Home Builders Association of Metropolitan Portland

Ken Gertz
President
Gertz Fine Homes

Steven Lucas
Design Department Manager
Legend Homes

Revisions prepared by: Cindy L. Hahn, AICP
Assistant Planner
City of Tualatin
Community Development Department
Planning Division

Prepared on: March 11, 2008

73.190 (1) Standards – Single-family Uses.

Except for the side of a dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, the standards in this section shall apply to all sides of a new single-family dwelling or accessory dwelling unit that increases the gross floor area of a single-family dwelling. Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three (3) feet and into a required side yard not more than two (2) feet, or into the required open space as established by coverage standards in TDC Chapter 40 Low Density Residential Planning District (RL) or Chapter 41 Medium Low Density Residential Planning District (RML).

73.190 (1)(a) Level I (Clear and Objective) Single-Family Architectural Review.

Dwellings shall provide:

| | | Existing version: | Possible revision: |
|-------|-----|--|---|
| (i) | | Windows that occupy at least fifteen (15) percent (%) of the wall plane, excluding the roof and any windows in a garage door. | <p>Windows that occupy at least <u>twelve percent (12%)</u> of the wall plane <u>on the front façade and at least eight percent (8%) of the wall plane on each remaining side of the dwelling including the rear, but excepting the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling. The wall plane shall be defined as all vertical surfaces on one side of a dwelling including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas. Garage door windows may be counted toward the required window glazing percentage.</u></p> <p>Questions: Is "wall plane" as defined above satisfactory? On side walls: Should window credit be given for pop-outs at 50% of pop-out area?</p> |
| (ii) | | Front façade. At least three (3) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and at least five (5) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). | No change. |
| (iii) | | Each remaining side of dwelling. At least two (2) of the Residential Roof Design Elements in 73.190(1)(a)(iv) and at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v) on each wall. | Each remaining side of dwelling, <u>except the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling.</u> At least two (2) of the Residential Roof Design Elements in 73.190(1)(a)(iv) and at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v) on each wall. |
| (iv) | | Residential Roof Design Elements. | |
| | (A) | Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window. | Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, <u>vent, or decorative element.</u> |
| | (B) | Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle. | No change. |
| | (C) | Roof overhang or eave of at least eight (8) inches. | <p>Roof eave <u>(rafter end or tail)</u> of at least <u>six (6) inches.</u></p> <p>Roof overhang <u>(bargeboard or verge board)</u> of at least <u>twelve (12) inches</u> (measured outward from the face of the dwelling wall or wall plane).</p> |
| | (L) | | <u>Window, decorative vent, decorated verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends.</u> |
| | (D) | Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves. | No change. |

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| (v) | | Residential Wall Design Elements. | |
| | (A) () | On the front façade, recessed entry at least two (2) feet behind the wall plane and at least eight (8) feet wide. | Recessed entry – front façade only, <u>at least three and one-half (3.5) feet or forty-two (42) inches wide and two (2) feet or twenty-four (24) inches deep.</u> <u>Portico – front façade only, a roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure.</u> |
| | (B) | At least two (2) vertical offsets, either projecting or recessed, or at least sixteen (16) inches in depth and [at least?] eight (8) feet long. | Vertical offsets, at least two (2), either projecting or recessed and at least sixteen (16) inches deep and a minimum of eight (8) feet long. Question: Is 8-foot minimum too long? If so, what is a better length? |
| | (C) | Horizontal offset, either projecting or recessed, of at least sixteen (16) inches in depth. | Horizontal offset, either projecting or recessed, at least <u>twelve (12) inches deep.</u> |
| | (D) | Bay window, [box window, or box bay,] which projects at least twelve (12) inches outward from the wall plane and forms a bay or alcove in an interior room of the dwelling. | Bay window, <u>box window, or box bay,</u> which projects at least twelve (12) inches outward from the wall plane and forms a <u>bay, alcove, or window seat</u> in an interior room of the dwelling. |
| | (E) | Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling. | No change. |
| | (F) | Covered porch at least thirty-six (36) square feet in area and at least four (4) feet deep. | No change. |
| | (G) | Balcony, which projects from the wall plane and is enclosed by a railing or parapet. | Balcony, which projects from the wall plane and is enclosed by a railing or parapet <u>(low, protective wall).</u> |
| | (H) | Exterior chimney of brick, stone, composite masonry or similar materials. | No change. |
| | (I) | Engaged tower, either square, rectangular, circular or polygonal in form. | No change. |
| | (J) | Window trim or surround [casing? require sill?] at least four (4) inches wide that completely surrounds the window. | Window trim or surround <u>(casing), at least two and one-half (2.5) inches wide that completely surrounds the window, either with or without a sill beneath the window.</u> |
| | (K) () () | Window grids or windows with multi-paned sashes. | Window grids, windows with multi-paned sashes, <u>or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows.</u> <u>Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane.</u> <u>Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers.</u> |

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|--|-----|--|---|
| | (L) | Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar. | |
| | () | | <u>Decorative or "architectural" garage door(s) with at least one row of windows and patterning relief at least five-eighths [5/8] inch deep over the remainder of the door(s) surface.</u> |
| | () | | <u>Decorative trellis or trelliswork, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow.</u> |
| | () | | <u>Band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection, marking a division in the wall plane and adding architectural interest to the façade.</u> |


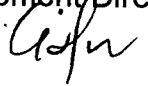


MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Doug Rux, AICP, Community Development Director 
Cindy Hahn, AICP, Assistant Planner 

DATE: April 28, 2008

SUBJECT: MINOR CHANGES TO ARCHITECTURAL REVIEW STANDARDS
FOR DETACHED SINGLE-FAMILY DWELLINGS (PTA 06-05)

Following issuance of the Staff Report for PTA-06-05, discussions with Ernie Platt, Director of Local Government Affairs, Homes Builders Association of Metropolitan Portland, Ken Gertz, President, Gertz Fine Homes, and Steven Lucas, Design Department Manager, Legend Homes, resulted in the following suggested minor changes to the text of the Draft Ordinance:

Section 73.190(1)

Existing: The wall plane shall be defined as all vertical surfaces on one side of a dwelling including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas.

Proposed: The wall plane shall be defined as all vertical surfaces on one side of a dwelling **from the base of the main floor level up** including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas.

Section 73.190(1)(a)(v)(F)

Existing: Horizontal offset, either projecting or recessed, at least twelve inches (12") deep.

Proposed: Horizontal offset, either projecting or recessed, at least ~~twelve~~**five** inches (12"**5"**) deep.

Section 73.190(1)(a)(v)(G)

Existing: Bay window, box window, or box bay, which projects at least twelve inches (12") outward from the wall plane and forms a bay, alcove, or window seat in an interior room of the dwelling.

Proposed: Bay window, box window, or box bay, which projects at least ~~twelve~~**six** inches (12"**6"**) outward from the wall plane and forms a bay, alcove, or window seat ~~in an interior room of the dwelling.~~



A. CALL TO ORDER

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Commission regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item No. 1)

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The Consent Agenda will be enacted with one vote. The Chairman will first ask the staff, the public and the Commissioners if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of Minutes for the Meeting of April 28, 2008

E-F. PUBLIC HEARINGS

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COMMISSIONERS

J. EXECUTIVE SESSION

K. ADJOURNMENT